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Correctional Data Analysis Systems

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Preface

One of the most critical resources in contemporary corrections is information. Many of the nation's correctional institutions are as complex and rapidly growing as many of our cities. Correctional administrators must receive, classify, house, clothe, feed, educate, treat, and rehabilitate hundreds of thousands of prisoners every year. To do this in the most efficient, humane, and cost-beneficial manner requires information: information for managing, planning, monitoring, evaluation, and research.

In addition to the internal need for information, corrections finds itself deluged with demands for information from external organizations and individuals. Federal agencies frequently request statistical information for inclusion in national publications. State legislatures are interested in the impact of changes in statutory and procedural law on the number and types of individuals within the correctional system. Governors frequently request statistical information pursuant to budgetary requests. With the evolution of correctional case law, the courts increasingly require administrators to produce voluminous amounts of information needed in civil litigation.

These external demands for information are becoming a perplexing problem for the administrator since the volume and variety of requests seem to be increasing every year. While many states have developed sophisticated computer systems to satisfy internal management needs, these systems are not necessarily responsive to external demands for information. Even with the most advanced automated capability, many agencies find that they must manually compile detailed statistical information if they are to satisfy demand requests in a timely and accurate manner.

Cognizant of this ever-growing problem, the Bureau of Justice Statistics awarded a grant to the Criminal Justice Center at Sam Houston State University to investigate the nature of the demand information problem and identify technologies that could be utilized in resolving this difficulty. The CDAS Project (Correctional Data Analysis Systems) was designed with several purposes in mind. The first objective was to identify the frequency, source, and content of the demand information requests received by the nation's correctional institutions and to determine the impact of these requests on correctional resources. A second objective was to determine the procedures used by various correctional agencies in processing demand information requests and identify those with a high potential for transfer.

The information and technologies presented in this report should prove useful to the correctional administrator struggling with the demand information problem. A detailed analysis of the demand information problem is presented, identifying the sources of such requests and the nature of the information required. In addition, useful information is provided on the kinds of analytic capabilities required to satisfy most demand information requests.

Since the demand information requests emanating from the courts are some of the most critical ones received by the correctional administrator, an extensive analysis of correctional case law was conducted. Hundreds of cases were identified and categorized on the basis of common jurisprudential elements. Twenty areas of correctional case law are described, with summary statements about the courts' rulings abstracted. Analysis of these case law summaries led to the development of trend statements suggesting the likely direction of future court decisions. An information requirements analysis was then conducted to determine the specific data elements that should be included in any correctional information system to assist the agency in defending itself in civil litigation or to show compliance with existing court orders.

To better understand how agencies deal with the demand information problem, 17 correctional systems were studied to determine how they receive, process, and respond to requests. These field visits suggested many ways that correctional institutions might improve their demand information processing and also indicated the types of technologies currently used by some correctional agencies that could be transferred to others. For instance, one of the most useful technologies in dealing with demand requests is report generation and statistical analytic software. Because of the potential utility of these technologies for corrections, an extensive analysis of existing report generation and statistical packages was initiated and a comparative analysis of these packages was conducted using criteria which are relevant to the correctional environment.

Some agencies have developed useful automated technologies for resolving the demand information problem. Since these technologies could be transferred to other correctional environments, a critique of transfer technology was conducted. Included in this analysis is identification of the key issues to be considered in the successful transfer of correctional technology. Checklists of critical issues and questions were developed to assure that adequate consideration is given to all the key elements in the transfer decision including hardware, software, documentation, performance, and user concerns.

Finally, a number of the transferable technologies now used by correctional agencies in processing demand information requests are identified and described. Interested correctional administrators may find that many of these technologies can be easily transferred and substantially reduce the costly and time-consuming problem of handling demand information requests.

The authors wish to express their appreciation to the many individuals who contributed to the CDAS Project. The CDAS Advisory Council was most helpful in clarifying the initial objectives of the project and critiquing various observations and conclusions. The Advisory Council members included:

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- Rolando del Carmen
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  Commissioner, Virginia Department of Corrections
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- Bill Mullan
  Nebraska Legislature
- Laurel Rans
  Illinois Department of Corrections
- Amos E. Reed
  Secretary, North Carolina Department of Corrections
- Bernard Shipley
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The project benefitted greatly from a number of correctional lawyers who assisted in the development of the Correctional Case Law Demand Information Model. Richard Crane did an outstanding job in developing the concept of the Correctional Case Law Model—researching cases, developing the case summaries and identifying trends. Other attorneys who provided invaluable assistance include Rolando del Carmen of the Criminal Justice Center, Robert DeLong of the Texas Department of Corrections, and Leonard Peck of the Office of Attorney General, State of Texas.

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Chapter 1

Correctional data analysis systems: Goals and objectives

Consider some of the requests for information that come across a correctional administrator's desk.

Dear Sir:
Our department is currently upgrading its correctional education and vocational training programs. Would you be so kind as to share with us the following items of information . . .

Dear Sir:
Our research center is conducting a study on the effectiveness of prerelease programs on the inmates' adaptation when released from prison. Could you provide us with the following information . . .

Civil Action File Number 24-137B
Alvarez vs. Thornberry
TO: Commissioner Wilson Thornberry
Commissioner of Corrections
State Department of Corrections

You are hereby commanded to appear in the XXXth U. S. District Court on the fourteenth day of March, 1980, at 9:00 A.M. to testify on behalf of the defense in the above entitled action and bring with you certified copies of the following medical records including . . .

Dear Sir:
As an interested citizen, I would like some facts and figures on the Department of Corrections. In particular, I am interested in . . .

Dear Sir:
The Department of Human Resources is currently conducting a survey of the various treatment programs offered in federal and state correctional institutions. Could you please provide this office with . . .

Dear Sir:
Attached is a questionnaire that several of my colleagues and I designed to assess morale problems among correctional employees. Would you please distribute the attached questionnaires to your staff and also share with us information on . . .

Dear Sir:
I will soon introduce the attached bill (S.243) amending the state's parole eligibility law. Would you have your staff assess the impact of this legislation on your current inmate population and . .

These and thousands of other requests for information are received every year by the nation's prison administrators. Some of them are frivolous and poorly conceived demands for information. Others are legitimate requests that come from the legislature, the governor's office, the courts, concerned professional organizations, and other correctional institutions. Some can be answered quickly by forwarding a copy of the agency's annual report. Others require information that is not routinely kept by correctional agencies and require hundreds, even thousands, of man-hours to compile. Some inquirers, such as the governor, the legislature, the courts, have both a need to know and right to demand such information. In other cases, however, it is difficult to determine whether the time and expense in preparing a response is truly justified.

For purposes of discussion, these unanticipated requests for information have been called ***demand information*** requests. The thing that sets them apart from other requests for information is that they are unanticipated and usually emanate from sources outside the correctional institution.

The correctional agency itself is a great consumer of information. The administrator, unit managers, and program directors routinely require information for monitoring, planning, and evaluation. Their information needs are relatively easy to identify, usually documented, and frequently an integral part of the agency's information system. What bedevils correctional administrators, however, is responding to the unanticipated requests that emanate from outside the institution. Even the most cleverly designed correctional information systems cannot anticipate every conceivable request. Generally, systems are designed to meet the perceived and anticipated information demands which emanate from within the institution. What is particularly frustrating for a correctional administrator who expended significant resources in the development of an information system, is to have it come to a standstill when unanticipated demands are received from the legislature, the governor's office, and other important inquirers. Frequently, these requests do not fit the design configuration of existing correctional information systems and, to respond in a timely and reliable fashion, correctional agencies must assemble the information by hand, a time-consuming and labor-intensive activity.

Contemporary corrections finds itself in an informational dilemma. Correctional institutions are currently the focus of considerable public attention. Thus, many demand information requests are received. To satisfy all requests is a time-consuming and laborious process. To refuse to respond is to alienate interested parties. Where do you draw the line? Who is a legitimate inquirer and who is not? How much of the agency's limited resources can be dedicated to answering such requests? Should the agency's information system be redesigned and upgraded so that it can respond to demand information requests in a more timely and efficient manner? If this were done, is the pattern of demand information requests received now typical of those that might be received five years from now? Is the source of inquiries predictable? Can we determine what the future topics of inquiry might be? In short, can we anticipate the unanticipatable?

Evolution of demand information requests

In times past, corrections was one of the most isolated components of the criminal justice system. In fact, until recently we did not even conceive of the justice process as a system. Correctional institutions were usually constructed in rural areas and were both physically and mentally out of the public's eye. Of course, even then correctional administrators received an occasional demand information request, but certainly nothing like the number and variety received today. It might be fair to say that corrections has undergone a revolution in the last 15 years or so. No longer an isolated appendage of the justice system, corrections is now the object of considerable concern and controversy in many corners of society.

The rapid increase of crime and delinquency in the 1960s made crime a primary political issue. In 1965, President Johnson created the **Commission on Law Enforcement and the Administration of Justice**[1] and mandated that this Commission look into all aspects of the problem of crime and justice and develop appropriate recommendations. Their report on corrections was not particularly flattering and it drew the field of corrections from its bucolic setting into the light of public concern.[2] As crime increased, so did arrests, and correctional populations expanded rapidly.[3] Controversy developed over how prisons should be administered or whether prisons should exist at all. Debates ensued over custody versus treatment, recidivism rates, design and operation of prison facilities, and ultimately led to the complex and continuing controversy over prisoners' rights.

Probably a ripple effect of the civil rights movement of the early 60s, increasing numbers of inmates complained to the federal courts about their care and treatment. Interested federal judges began to hear these cases, and over the past 10 years there has been a greater evolution in correctional jurisprudence than occurred within the first 194 years of our history.

As a result of these and other social factors, contemporary corrections is clearly in the limelight of public concern and this concern has brought on an onslaught of demand information requests from widely varying sources covering almost every conceivable topic. And unfortunately, as the number, source, and content of these requests increase, the capability of correctional administrators to respond declines.

CDAS goals and objectives

As the philosophic and social currents of the times have changed, the correctional community has not been idle. Over the past 10 years, for example, significant progress has been made in the development of correctional information and statistical systems. Probably the most important development was the design and implementation of the Offender-Based State Correctional Information System (OBSCIS) designed by SEARCH Group, Inc., and promulgated by the National Criminal Justice Information and Statistics Service of the Law Enforcement Assistance Administration (LEAA), now the Bureau of Justice Statistics.[4] OBSCIS is a management and information system designed to provide correctional administrators basic information on the inmates under their care. This system includes the following eight modules of information:

- Admissions information
- Assessment information
- Institutional information
- Parole information
- Movement status information
- Legal status information
- Management and research information
- National reporting information.

While OBSCIS has proved to be an effective informational tool for correctional managers, it does not necessarily resolve their demand information problem. Interestingly enough, it is not that OBSCIS does not contain the correct data elements: on the contrary, the problem is extracting the data in a format that fits demand information requests. For example, most correctional agencies can provide information on the age, race, and sex of those individuals under their care. What perplexes many systems is when the inquirer requests a frequency distribution of all prisoners involved in disciplinary actions by age, race, and sex. Again, while OBSCIS can provide some information on the flow of offenders through the institution, it is not designed to couple inmate data with fiscal data facilitating answers to such questions as what is the differential cost of housing minimum versus maximum security prisoners, or the cost benefits of placing different kinds of inmates in certain kinds of treatment or educational programs?

The purpose of CDAS, the Correctional Data Analysis Systems Project, was to identify current and future demand information requests and identify analytic technologies which would assist correctional agencies in satisfying these requests. More specifically, the objectives of the project were to

- Identify the frequency, source, and content of the demand information requests received by correctional agencies.
- Determine the impact of these requests on correctional resources.
- Identify and describe the procedures used by correctional agencies to respond to demand information requests.
- Identify existing correctional procedures and technologies used in dealing with demand information requests which have a potential for transfer to other correctional agencies.
- Identify informational procedures and technologies outside corrections which are capable of resolving the problems created by demand information requests which could be transferred into the correctional environment.

CDAS methodology

The first step in understanding the demand information problem involved a review of the literature. This was a rather fruitless undertaking since little has been written on the subject. The few articles on the topic suggest that demand information is a new rather than perennial problem in corrections spurred on by the relatively recent public interest in the care and treatment of offenders.[5] Virtually no information was found on the incidence of the problem, nor on the source or content of demand information requests.

The paucity of the literature suggests that if one is to understand the problem, it is necessary to go where the problem exists—namely, correctional institutions. Therefore, a letter was written to the administrator of each state correctional system plus the administrators of the Federal Bureau of Prisons and the Department of Corrections of the District of Columbia. The letter explained the purpose of the project and asked each administrator to identify the one individual within the institution responsible for or most familiar with the demand information problem.

As responses were received, telephone calls were made to the designated individual in each of the nation's 52 correctional organizations. The purpose of these telephone inquiries was to gather basic information about the demand information problem. Discussions were conducted along the following lines:

- How are requests for demand information received by the institution? Are they routed on a subject specific basis to different individuals or is one person responsible for answering all the demand information requests?
- Since demand information requests may involve research, planning, evaluation, and data processing sections of the institution, how are these various functions organized within the department?
- What kind of human and technical resources does the department have to respond to demand information requests?
- Are requests and replies centrally logged and filed so that one can statistically enumerate the frequency, source, and content of these requests?
- To what degree is automation used in responding to demand information requests?
- Is it necessary to use outside resources to respond to these requests such as the data processing facilities of a nearby university?
- What administrative, fiscal, or technical resources are most needed to increase the agency's capacity to respond to demand information requests?

In addition to trying to understand the nature of the problem and the technologies needed to resolve it, each agency was asked to submit examples of at least 10 demand information requests. In some cases, agencies were able to send the last 10, but more commonly, agencies agreed to send copies of the next 10 requests they received. In all, 543 examples of demand information requests were submitted by all 52 of the nation's correctional systems. These requests were subsequently analyzed to determine their source, the nature of the information solicited, and the types of analytic procedures that would be required in answering the inquiry.

The demand information requests received are called *examples*, not a *sample*. Since most correctional agencies do not maintain a centralized chronological log of demand information requests, it was not possible to acquire a scientific sample of the requests received by agencies throughout the United States. Instead, the best that could be achieved was to ask for the last ten or next ten requests received. Thus, generalizations made about the source, content, and analytic issues involved in satisfying demand information requests must be made with caution since they are not based upon a random sample drawn from the population of all demand information requests.

Field survey

To better understand how agencies process demand information requests and to assess existing technologies involved in the process, site visits were planned with representative correctional agencies. Prior telephone conversations and agency annual reports suggested that the fifty-two correctional systems varied in both the number of demand information requests received and the level of technological sophistication available to satisfy them. To determine which would be the most fruitful to visit, each system was classified on the basis of the magnitude of its demand information problem and the sophistication of its informational technology, using the following matrix.

Table 1

		Demand information problem	
		High	Low
Technological Sophistication	High	A	C
	Low	B	D

Using preliminary information, each state was placed in one of four categories as follows:

- *Type A*: Fairly sophisticated analytic capability yet encounters problems with demand information requests.
- *Type B*: Relatively limited analytic capability and significant demand information problems.
- *Type C*: Relatively sophisticated analytic capability and little problem with demand information.
- *Type D*: Relatively limited analytic capability and little problem with demand information.

After considering all four types of correctional environments, it seemed worthwhile visiting Types A, B, and C institutions. It seemed wise to visit *Type A* institutions since even with fairly sophisticated analytic technology, they still appeared to have problems in handling demand information requests. This could be because the number of requests received exceeded their analytic capability or that their information systems, although sophisticated, were never designed to resolve unanticipated requests for information.

Type B locations, where analytic capability is limited but demand information problems significant, would be instructive in understanding the types of technologies that could be developed or transferred which would help reduce the impact of the problem. *Type C* institutions, those with sophisticated analytic capability and little difficulty in resolving demand information requests, would be likely environments in which transferrable technologies might be found. Presumably, these institutions had designed their information systems in such a way that they can efficiently dispose of such requests.

It was decided not to visit *Type D* institutions since they received few demand information requests and had little technology to offer for future transfer. Simply put, such institutions did not have a demand information problem and therefore had not felt the need to develop specialized procedures and technologies to resolve the issue.

Having classified the fifty-two correctional systems into these four types and considering geographical location, inmate population size, and other institutional variables, the following locations were selected for site visitation:

- Alabama
- California
- District of Columbia
- Federal Bureau of Prisons
- Florida
- Georgia
- Louisiana
- Maine
- Minnesota
- Nebraska
- New Mexico
- Ohio
- Oregon
- South Carolina
- Texas
- Virginia
- Wisconsin

Over a 3-month period the project staff visited all 17 institutions. The purpose of the site visit was to confirm the preliminary information gathered during the telephone survey on the nature of the demand information problem, the source and content of requests, and nature of the analytic procedures involved in responding to demand information requests. In addition, the site visits provided a first-hand opportunity to understand the various ways in which correctional agencies receive, route, process, and respond to demand information requests. The staff enjoyed an opportunity to examine various administrative, human, and technological resources used to respond to requests and identify those that had potential for transfer to other correctional institutions. Appendix A contains a list of the kinds of information sought during the field visits.

Demand information and correctional case law

One of the most serious aspects of the demand information problem involves those requests which emanate from the courts. Although not the most frequent source of demand information requests, those that do emanate from the courts are probably the most important informational requests placed upon the correctional institution. Virtually all correctional systems in the United States are now involved in one or more civil suits, and to effectively defend the agency in such litigation, large volumes of unanticipated information must be compiled. Because of the unique effect which the correctional case law revolution has had on correctional administration, a significant portion of the CDAS project was dedicated to understanding the impact of the courts on the demand information process.

Experience with OBSCIS and other correctional information systems indicates that these systems were never designed to anticipate the impact of correctional case law on correctional administration. However, it is currently extremely important to ask the question: "What are the current and expected trends in correctional case law and what impact do these trends have on the design of current and future correctional information systems?"

To answer this question, the CDAS project set out to develop a Correctional Case Law Demand Information Model. The elements of this model include:

- The development of a *Case Law Compendium* containing the identification and summarization of appellate cases affecting correctional administration.
- *A Case Law Summary* in which cases involving common elements are grouped together and summary statements abstracted.
- Based upon these summary statements, *Case Law Trends* were abstracted indicating the likely direction of future court decisions.
- Identification of the basic information that correctional institutions ought to maintain in order to defend themselves in civil suits involving current jurisprudential issues or to show compliance with existing court orders.

This research on the body of correctional case law was initiated by inquiries on the LEXIS and West Law Systems. With the aid of several correctional law experts, numerous cases were identified, summarized, and trend statements abstracted. These trend statements were shared with several attorneys involved in correctional litigation who assisted in identifying the kinds of information that should be maintained by a correctional institution under each area of correctional case law.

Report generation and technology transfer

One of the early discoveries in the CDAS project was that a primary difficulty in responding to demand information requests was software, not data base. Interestingly, a plurality if not a majority of demand information requests can be satisfied with OBSCIS data elements. The problem that most correctional agencies encounter is having flexible software which will allow them to query hierarchical files, collect information on certain prisoners with certain characteristics and display this information in cross-tabulations which can be immediately understood by an unsophisticated inquirer. The obvious answer to this problem lies in report generation software which has basic descriptive statistical capability. As a result, the CDAS project undertook an examination and evaluation of existing report generation packages including both proprietary ones and those in the public domain.

It was also discovered in the telephone survey and site visits that some states had developed potentially transferable procedures and technologies for dealing with demand information requests. With correctional populations escalating and budgets constrained, the future development of correctional information systems may be more dependent upon technology transfer than stand-alone development.

Since transfer is more easily said than done, the CDAS project conducted an analysis of the state of the art of technology transfer within corrections. The objectives of this investigation were to determine the critical elements involved in the transfer of systems within the correctional community and to develop a checklist of critical questions covering the administrative, personnel, hardware, and software issues that must be considered if system transfer is to be successful.

CDAS products

The remaining chapters present the results and recommendations of the CDAS project. Presented below is a summary of the material provided in each chapter.

Chapter 2—Demand information in corrections

This chapter presents qualitative and quantitative information on the source, content, and analytic issues involved in the demand information requests received by correctional institutions. The results indicate that while demand information requests are received from a variety of inquirers, most tend to be governmental agencies, many of them being other correctional institutions.

In addition, the results suggest that the most frequent kind of request involves the frequency of inmates with specific characteristics. Interestingly enough, most of these inquiries can be satisfied by systems containing basic OBSCIS data elements. Another frequent kind of demand involves requests for copies of an agency's policies and procedures or descriptions of their vocational, educational, or treatment programs.

Of particular interest was the kind of analytic procedures that would be required in answering demand information requests. In addition to simple lists of programs or policies, most of the required analytic procedures are simple descriptive statistics. Cross-tabulations involving frequencies, percentages, proportions, and averages were the most frequently requested statistical enumerations. Higher order inferential statistical techniques which are frequently found in commercially available statistical packages far exceed the analytic requirements contained in most demand information requests.

Chapter 3—Correctional case law demand information model

The Model presented in this chapter should be very useful to correctional administrators, correctional attorneys, and correctional information specialists. The Case Law Compendium identifies and summarizes dozens of appellate cases which directly affect correctional administration. Cases with common legal elements are grouped together and summary statements of the underlying jurisprudence are presented. Twenty different summary areas of correctional case law are abstracted and trend statements are presented, suggesting the likely direction of future court decisions.

Of particular value to both correctional administrators and data processing personnel is an identification of the kinds of information that should be incorporated in an agency's information system, which information should be useful in defending the agency under existing judicial standards or in showing compliance with existing court orders.

Chapter 4—Demand information: State of the art

This chapter presents the results of the telephone and field surveys. Essentially, it describes the state of the art within the correctional community in processing demand information requests. Demand information processing is viewed systematically and recommendations are made on how agencies can best receive, log, process, and respond to demand information requests.

Interestingly, no correctional agency was found which had a model system for resolving demand information problems. Some were found which had developed particularly good procedures for part of the processing problem. These procedures are described and recommendations developed. In addition, a number of weaknesses in existing demand information processing systems are identified, such as lack of accountability for processing demand information requests, problems created by data bases which are not complete, timely, and accurate, inaccessibility of statistical and report generation software, the absence of good logging and routing procedures, and so forth.

The results of various statistical analyses are presented, indicating the relationship between the nature of the demand information problem and degree of technological sophistication, population size, personnel resources, and other administrative and technological considerations.

Chapter 5—Report generation and analysis technology

Since it was found that report generation technology could significantly enhance an agency's capability in dealing with demand information requests, Chapter 5 presents an overview and critique of existing report generation and statistical software packages. These technologies are identified, described, and compared with respect to a variety of criteria relevant to correctional information systems.

Chapter 6—Systems transfer technology for contemporary corrections

This chapter presents and critiques the concept of technology transfer within a correctional context. Since transfer must take into consideration hardware, software, documentation, performance, and user issues, an attempt has been made to identify the critical issues under each of these categories. These lists of critical issues and questions can be used by a manager to determine the likelihood of successfully transferring information technology from one correctional institution to another.

Chapter 7—Transferable demand information technologies

In the process of examining the demand information procedures used in various correctional systems, successful procedures and technologies were discovered which seem to have a high probability of successful transfer to other correctional institutions. Chapter 7 identifies and describes transferable technologies which can be used for routing and logging demand information requests, automating agency policy statements, improving statistical and report generation software, improving data bases, using data processing in civil litigation, and experience gained by states which have transferred correctional information systems.

Chapter 8—Summary and recommendations

The results of the entire project are summarized in Chapter 8 and a number of specific recommendations are presented which should prove helpful in developing analytic capabilities for dealing with demand information requests, as well as operating procedures for receiving, routing, and monitoring such requests. In addition, recommendations are presented for future informational development which, if initiated, should significantly enhance the analytic capabilities of the correctional community.

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Chapter 2

Demand information in corrections

Prior to the 1960s, corrections was a relatively autonomous appendage of America's justice system. Little public attention was given to the management and treatment of incarcerated felons. There were no "prisoner's rights" or court monitoring of prison conditions. The myriad of programs included under the umbrella of rehabilitation had not yet developed, and community corrections was an insignificant part of the institutional framework. In short, corrections was generally a self-contained entity which operated in relative isolation and had little impact outside its own walls.

However, changes in American society and the criminal justice system over the past two decades have catapulted corrections into the limelight of public concern. This increased interest in corrections is probably due to a number of factors. At one level, the growing complexity of programs and services within corrections has broadened its interaction and interdependence upon other state agencies, both operationally and in terms of competition for limited resources. The increased emphasis on accountability witnessed among all government agencies has produced new demands for documentation in corrections. Soaring crime rates have placed new burdens on corrections and raised public concern about more effective rehabilitation. The "due process" revolution and demise of the "hands off" doctrine have increased judicial interest and intervention into the prison system.[1] Finally, pressure for standardization from the judiciary, legislature, and various professional organizations has caused a greater sharing and dissemination of information.

As a consequence of the broadened interest in all facets of corrections, administrators are being forced to dedicate increasing amounts of time and effort to meeting the external demands for information. However, the general absence of any systematized response to these information demands creates problems. Many agencies do not have specific personnel charged with the responsibility for answering demand information requests. The result is frequently a duplication of effort in which the same information is compiled each time a new inquiry is submitted. This lack of quality control also increases the chance of error. Not infrequently, an administrator is asked to explain conflicting information produced by his own staff, simply because it was either gathered differently or processed by different people. Without a systematic accounting of information requests, it is difficult to prioritize inquiries so that more service is given to those having the greatest impact upon the agency. Corrections, therefore, has been forced into a reactive position in which responses to future information demands, which could have been anticipated and prepared for, are not developed.

All of these conditions suggest the need for developing information systems which are responsive to demand information inquiries. The basic problem in developing such a system is to define the relationship between the questions asked and data available. Once this relationship is determined, it is possible to answer more specific questions involved in systems development:

- What can be answered with the information on hand?
- What inquiries cannot be answered?
- What would we have to do in order to satisfy inquiries for which there is no ready information?
- Is it cost beneficial to gather the data we currently don't have, given who is asking the questions and why they want to know?
- What is the most economical and efficient way to answer the important questions?

The most popular and successful information system utilized by the correctional community is the Offender-Based State Corrections Information System (OBSCIS).[2] Since 1975, the OBSCIS model has been incorporated into 34 state correctional agencies and provides administrators with routine operational reports describing the status and movement of inmates within their institutions. For the majority of agencies, the OBSCIS system provides the primary data base against which most demand information inquiries are currently satisfied.

In addition to being a successful operational information system for corrections, OBSCIS identifies a number of critical questions which must be answered in order to successfully establish any information system. One of the more important questions is what kind of information is needed to assist administrators in the operation and management of their agency. The answer to this question determines the data elements that must be included in an information system's data base. Only after such data elements are identified can an automated system be developed to collect, store, and retrieve the information needed by the agency.

The OBSCIS experience emphasized the fact that determination of the appropriate data elements depends upon recognizing the real-world needs of the information consumer. Experience has shown that systems developed around data elements identified by experts or other persons removed from the day-to-day operation of the system have failed to provide the kind of answers actually needed.

Methodology

In the case of demand information, a consumer is the person or agency who asks the correctional agency a question. In order to identify the data elements which could provide such consumers with satisfactory answers, the CDAS project collected examples of questions actually directed at the correctional community on a day-to-day basis. It was felt that such real-world examples, while not constituting a necessarily valid sample, would provide a more concrete perspective on demand information. Unfortunately, few correctional agencies maintain a log of the information demands made by external consumers. Furthermore, few agencies have only one person or department responsible for processing external inquiries.

As a consequence, a letter was sent to the director of each of the 50 state correctional agencies, the District of Columbia Department of Corrections, the Federal Bureau of Prisons, and the National Prisoners Statistics Program of the Bureau of Justice Statistics, asking them to identify those individuals usually responsible for processing demand information requests. Typically those charged with this responsibility were either data processing or research and development personnel. The person or department identified by each correctional administrator was then asked to submit a list of the last 10 demand information inquiries they had received. Only 10 inquiries were requested from each department because most agencies had to compile the listing of inquiries as the requests were received. The list of inquiries finally obtained included both a description of the inquiry and its source.

In all, 543 usable information requests were obtained. The content of these inquiries ranged from complex enumerations of inmates with various characteristics, or at certain stages of their sentence, to simple statements concerning policy and programs. Some of the inquiries dealt with financial aspects of running a correctional agency while others requested impact statements or required the agency to complete a formal survey instrument.

The type of inquirer also varied widely from the governor's office and legislators to high school students. A number of inquirers appeared frequently in the sample, implying that the consumer required correctional information in the normal course of his activities. Others obviously represented one-time requests.

The example inquiries also appeared to vary considerably in terms of the time critical nature of the information request. Several requests from legislatures involved impact statements concerning bills which were under consideration. Some requests from consumers such as the judiciary involved information on policies or procedures which related to issues of current litigation and concerned court cases having a significant impact on the agency. Many of the inquiries, however, concerned topics of casual interest or required data which appeared to involve research, counseling and treatment programs.

From a preliminary review of the examples of information requests, it appeared as though the inquiries could be organized and categorized into three substantive areas. It was felt that such a categorization would facilitate a firmer understanding of those data elements which should be maintained by a correctional agency to satisfy most demand information requests. The first level of organization involved the *content* of the inquiries. It was hypothesized that the broad array of inquiries could be reduced to a limited number of categories including all requests involving the same data elements. By reducing the inquiries to categories, an estimation could be obtained of those questions which could be satisfied by existing data and those which required the development of new data. Such a classification could also provide information on the data which were most frequently the center of inquiry.

In addition, the requests were categorized on the basis of the *inquirer*. The rationale underlying this classification was that it is important for a correctional agency to know the type of inquirers requesting information. If the majority of inquirers have both a need and right to know, then an information system might be designed to satisfy these requests, providing quick and accurate responses. On the other hand, if the majority of inquiries are frivolous, the cost/benefit of designing a special information system may be questionable.

Finally, the inquiries were assessed in terms of the type of *analytic processes* typically required to produce a satisfactory answer. Analytic processes can range from simple frequency counts and the calculation of percentages to complex processes involved in higher order statistical analysis and modeling. One important question, therefore, in developing a cost beneficial information system is: what are the types of analytic techniques which are needed to satisfy the demands of most users? If a majority of the most important inquiries can be satisfied by simple frequencies and percentages, then it would be unnecessary for an agency to buy sophisticated and expensive software packages. Perhaps demand information systems need only descriptive statistical software to satisfy most requests.

Content of demand information inquiries

A necessary first step in the development of any information system is to identify the type of questions which such a system will be required to answer. From an analysis of the questions actually asked, systems may be developed which require only a minimum of data to satisfy a majority of information requests.

In an attempt to identify those areas of information which are most often the focus of inquiry, the examples of demand information requests obtained from the 52 correctional systems were organized into categories on the basis of the type of information requested. These categories were developed by inductively sorting each of the requests into "like" groups until a reasonable number of categories of similar questions were obtained. The results of this analysis are presented in Table 2.1. As can be seen, there are four primary areas of inquiry: (1) inmate inquiries, (2) institutional programs, (3) agency policies and procedures, and (4) administrative/fiscal inquiries, with each area having a number of subcategories. These categories represent relatively independent contextual areas, while each of the subcategories reflects a more sensitive breakdown in terms of similar data elements.

Inmate inquiries

The largest category of requests centered on inmate inquiries. Inmate inquiries were defined as any question which asked for an enumeration of inmates possessing certain characteristics, or which requested a description of the behavioral, psychological, medical, or situational effects of various correctional processes upon inmates. The unit of analysis across all of these inquiries was the inmate, rather than a program, policy, or process.

Demographic characteristics

The most prevalent type of inmate inquiry involved a count of inmates with a particular demographic characteristic or combination of characteristics. Such factors as age, sex, ethnic background, educational level, and other general background descriptors were typical of those characteristics most often the focus of concern. Illustrative of this category were inquiries concerning the number of female inmates or the percentage of certain minorities in an agency. Others asked about inmates with a combination of characteristics such as "the number of incarcerated minority women with a high school education."

A majority of these inmate characteristics are the same as data elements usually maintained as part of an OBSCIS data base. Along with an inmate's identification number, his or her sex, age, race, and so forth are important in planning, managing, and logging the movement of inmates. The fact that many of these inmate descriptors are already maintained by agencies using OBSCIS suggests that data elements in the OBSCIS model will satisfy a large proportion of demographic inquiries.

In addition to inquiries about demographic characteristics, other requests sought information about such factors as military service, number of dependents, and women in institutions. Inquiries based upon these factors appeared to be of a more transient nature and focused upon topical issues. For example, many agencies were asked the number of Vietnam veterans they had in custody. In checking with institutions on this question, it was found that there had been little previous interest concerning Vietnam veterans and that the present interest was being generated by a single agency at the federal level.

Table 2.1
Content categories of demand information

Primary content categories	Category operational definition	Subcategories
Inmate inquiries	Questions in which the unit of count is inmates and asks for an enumeration of inmates possessing a certain characteristic	• Demographic characteristics • Charges and sentences • Inmate sentences • Impact effects on inmates
Institutional programs	Inquiries requesting the kinds of programming offered in an institution, what these programs consist of, or what is the effectiveness of the programs	• Program types (general) • Content of specific programs/services • Count or flow of inmates by programs • Evaluation of programs
Agency policies and procedures	Inquiries concerning the stated policies of the institution or stated procedures practiced by the institution	• Operation of institution • Management of inmates
Administrative/ fiscal inquiries	Inquiries centering on administration structure or the way an institution's budget is allocated	• Fiscal • Administrative

As a result of this observation, and the onsite interviews with data processing personnel, it was concluded that inquiries concerning inmate demographic characteristics are of three types. The *majority* of these requests involve standard data elements such as sex, age, and race. Such inmate descriptors typically mirror those data elements maintained at the core level of most OBSCIS systems. The *second* type of requests involves topical issues which impact corrections on a temporary basis, such as the number of incarcerated Vietnam veterans. Because of the infrequency of such questions, it appears as though these inquiries could be satisfied more economically by a manual enumeration of inmates, made at the time of the request, rather than by recording such information on an ongoing basis. Finally, the *third* type of inquiry appears to be cyclical in nature and occurs every so many years as a result of various social cycles. For example, inquiries concerning women in prisons, the number of urban vs. rural inmates, and the death penalty were identified through interviews with data processing personnel to be of interest on a cyclical basis. Inquiries involving these topics inundate corrections at certain times, with long lapses of disinterest intervening between periods of high demand. After identifying cyclical topics through a monitoring of information requests, agencies may be able to anticipate high demand periods and collect data in anticipation of such inquiries. Otherwise, these particular data elements would not be maintained as part of their information systems.

Charges and sentences

The second broad area of inmate inquiries involved charges and sentences. Information requests in this area required one of two response formats. First, many requests asked for an enumeration of inmates incarcerated on a particular charge, serving a certain type of sentence (determinate vs. indeterminate), sentenced on a certain date, or sentenced from a particular county. These inquiries were typically satisfied by the standard inmate data base and required no calculations or atypical programming. The second type of charges and sentences inquiry involved such information as the time served vs. the time remaining for certain inmates, the number eligible for early release, straight release vs. parole, and the amount of time served by offense. These inquiries differed from the first group in that a satisfactory answer required specific calculations. Although the information needed to answer these more complex inquiries was usually maintained as part of the inmate data base, an appropriate answer sometimes necessitated special programming. In many instances, the calculations required to answer these questions were complex due to many factors, such as good time which impacts sentence length. However, sentence calculation is an integral part of inmate management and many automated information systems have the capacity to produce such information in their normal course of operation. The problem, as far as demand information inquiries are concerned, appears to be in maintaining sentence computation records in such a way that individual sentence lengths can be easily turned into aggregate totals.

Inmate status

A third area of inmate inquiries involved the enumeration or description of inmate status. Inmate status cuts across a number of contextual levels, from the number of escapes to a description of inmate medical needs. The common thread that binds these inquiries together is that they all deal with inmate behaviors or needs typically considered by an agency in making assignments, allocating privileges, or taking disciplinary action. Examples of inmate status inquiries involved the number and types of disciplinary infractions (along with their characteristics and trends), the degree of drug abuse in prison, and the extent of violence among prisoners. Again, the majority of data elements needed to answer these inmate status inquiries are designed in the OBSCIS model, although many states have not implemented these specific modules as yet.

Impact/effects on inmates

The final subcategory of inmate inquiries involved questions concerning the impact and effect of various correctional programs and processes upon inmates. Information requests such as the rate of recidivism by specific program or the impact of various types of sentencing were typical of questions within this category.

The majority of these inquiries identified the particular program in which they were interested, but failed to specify the type of impact statement they required. Most inquirers simply appeared interested in whether the program was having a "good" effect upon the inmates. For example, a typical inquirer would ask about the impact of vocational education programs on inmates. Of those inquirers who did indicate the type of impact or effect in which they were interested, most asked about recidivism rates.

Unfortunately, most correctional systems do not maintain systematic data concerning the impact of correctional processes on inmates. Although this type of inquiry was least frequent among the inmate inquiries, the developing emphasis on program accountability as exemplified in zero-based budgeting and current debate over the effectiveness of treatment may be expected to influence the frequency with which impact/effect inquiries are directed at the correctional community. In view of the fact that most of these inquiries failed to identify a specific impact or effect, agencies are well advised to develop their own evaluation standards in anticipation of future demand information requests in this area.

Institutional programs

Beyond those inmate inquiries which centered specifically upon inmates as the unit of analysis, inquiries involving institutional programs represented the second most frequent category of requests. Inquiries of this type wanted to know what kind of programming was offered in the agency, what these programs consisted of, how they were operated, and how effective they were. Programs which were the focus of interest covered a broad range, from treatment, training, and educational programs, to ministerial services, prison industries, volunteer services, restitution programs, and community-based operations. In short, inquiries asking about the type, nature, or operation of either specific correctional services or correctional programming in general were categorized as institutional program requests.

The inquiries within this group were divided into four subcategories, (1) general program types, (2) specific content of programs/services, (3) count or flow of inmates by programs and, (4) evaluation of programs. The first of these subcategories, general program types, simply asked for a listing and brief explanation of the types of programs offered by an agency. In most cases, inquirers were satisfied by sending them an annual report or other standard document produced by the agency.

Inquirers interested in specific content of programs/services differed from general program inquirers in that they identified the program in which they were interested, but still requested only general information about the program's operation. Most of the time, these inquiries were satisfied by an annual report. However, since many of these inquiries emanate from the legislature or other important inquirers, it may be advisable to have each program manager develop a short description of each program's goals, operation, and effectiveness. These "program briefs" could then be maintained so that future requests could receive a more personalized, rapid and satisfactory response.

The third area of inquiry under institutional programs focused on the count or flow of inmates by programs. These inquiries focused on the number of inmates processed through a program within a certain time frame (flow). Although the unit of count used to answer these inquiries was inmates, the emphasis of the question was clearly on the effectiveness or efficiency of the program.

Most of these inquirers were satisfied by the data base typically maintained in an OBSCIS system. However, some calculations, occasionally requiring novel computer programming, were necessary. As a result, it may be advisable for an agency to maintain a count and flow summary of inmates within each of its programming areas, if it does not already do so. Such an ongoing enumeration would not only satisfy the growing number of inquiries in this area, but would also form a basis for developing satisfactory responses to the last category of institutional program inquiries, namely evaluation of programs.

Although evaluation of program inquiries were less frequent than others focusing on correctional programming, the type of inquirer asking these questions frequently was in a position to significantly impact the agency. For example, the legislature and other governmental agencies base funding and policy decisions on the stated effectiveness of a particular program. Furthermore, much federal funding is dependent upon answers to questions concerning the evaluation of correctional programs.

The inquiries classified in this category usually specified the criterion upon which they were evaluating a program. Of those inquirers who did define criteria, most focused on such things as program costs per inmate served (cost/capita), the number of inmates served as compared to the number in need of service, the effect of the program on inmate behavior, good time, and attitude.

In view of the fact that corrections is increasingly being called upon to substantiate its activities through formal program evaluations, it appears advisable for administrators to develop evaluative criteria for all aspects of institutional programming. The evaluative criteria which appeared to be of most interest in the examples gathered in this study were cost/inmate, number served/number in need, and degree to which program goals are met. If this type information were developed and maintained along with count and flow enumerations, an agency would have little trouble in providing an immediate and satisfactory response to most inquiries in this area.

Agency policies and procedures

A third broad area of inquiry involved agency policies and procedures. Inquiries in this category were divided into two types; (1) questions concerning the operation of the institution and (2) those involving the management of inmates. Inquiries focusing on institutional operations concerned policies covering such things as the prison library, telephone use, program evaluation methods, good time calculations, and cell assignments. In addition, many of these inquiries requested only general information such as agency goals and objectives, impact statements on rules, or asked for any policy manuals or statistical publications which the agency produced. Inquiries concerning the management of inmates covered a broad range of issues such as personal searches, disciplinary procedures, grievance procedures, and hair length.

The vast majority of the agency policy and procedure inquiries were usually satisfied by existing agency publications. However, an observation which is explored further in Chapter 3 notes that the comprehensive development of agency policy across all facets of its operations is essential in protecting the administrators in civil suits brought against them by inmates. Most of these suits are filed on the basis of the Federal Civil Rights Act (42 U.S.C.A., 1983). In order for an administrator to avoid personal liability which may result from these "1983" suits, it must be shown that he acted in "good faith" by following the stated rules and regulations of the agency. If an agency does not have a policy governing the area in which an action is taken by an administrator, he may be held personally liable. It is therefore important that policies be developed and stated for as many facets of institutional management and operations as possible. A good example of a comprehensive package of policy statements is found in the Oregon correctional system, where an index of all policies, procedures, and rules is maintained on a computer so that they are immediately accessible. It may also be advisable for an agency to review requests for policy statements on various issues as they are received so that policies may be developed in those areas where their absence becomes obvious. A general rule should be: if an inquirer asks for a policy in a critical area which does not exist, develop one.

Administrative and fiscal information

A final broad category into which the demand information examples were sorted involved administrative/fiscal information requests. Inquiries concerning administrative issues included such things as the types of staff positions within the agency, the organization and structure of living units, facility construction, and a description of the administrative hierarchy. Fiscal inquiries were characterized by such things as salaries for various positions, the level of budget support and types of funding, a cost breakdown by inmate, medical services expenditures, and overtime compensation.

Most of these inquiries were easily satisfied by information typically maintained. However, it is interesting to note that the most frequent inquiry within this category involved a cost breakdown by inmate.

Generalizations about the content of requests

In concluding the content analysis of demand information inquiries, several general observations and suggestions may be made.

- The most frequent type of inquiry involves the enumeration of inmates with certain characteristics. Furthermore, the majority of these inmate-based inquiries are concerned with inmates having a combination of characteristics such as (1) minority status, (2) veterans who were . . . , (3) sentences for murder . . . , etc. Information systems responsive to these inquiries must therefore be capable of cross-indexing (cross-tabulating) inmate variables.
- The majority of inquiries can frequently be satisfied by data elements prescribed in the OBSCIS model.
- In addition to the questions which are asked on a regular basis, many topical inquiries are received such as the number of Vietnam veterans, and cyclical questions concerning women in prisons or the death penalty. Possibly, one-shot inquiries can be processed manually while the cyclical inquiries might be anticipated and prepared for through a good demand information logging system.
- Because of the apparent interest in both program evaluation and the impact of programming upon inmates, and in view of the continuing demand for accountability in the public sector, all programs and services offered within a correctional agency should have an ongoing evaluation mechanism built in so that the efficiency and effectiveness of institutional programming may be monitored and reported.
- Each program in an agency should have a brief description of its goals, methods, and level of service ready for dissemination. Such a small effort by each program chief would pay off in public relations and service to inquirers.
- The count of inmates in institutional programs and the rate at which inmates pass through programs should be recorded on an ongoing basis for each program or service offered.
- All facets of institutional operations should be covered by a written policy statement. Such statements would not only satisfy the considerable demand for policy information from outside consumers, but would also help protect agency personnel from personal liability as the result of civil litigation.

Sources of demand information inquiries

In a time of diminishing resources and belt tightening on the part of many correctional agencies, a successful information system must not only be effective, it must do so in the most cost-beneficial way possible. Ideally, an agency would prefer to satisfy all the inquiries it receives. However, if the budget dictates that only limited funds are available for responding to external information demands, then an information system must be designed so that either the most frequent inquirers, or those with the greatest impact on an agency be given priority.

A system with this capacity would need to identify and maintain the kind of information typically requested by high priority inquirers. It would also need the capacity to provide the fastest response time for those who have the greatest impact upon the agency. Finally, by identifying high priori-

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ty inquirers, an agency could put its money into the software and data gathering efforts which selectively served the most important consumers.

Of course, before an agency can prioritize the consumers of demand information, it must identify who is asking the questions and how frequently each inquirer submits a request. In addition, most administrators would like to know who is interested in their agency anyway. Insights along these lines may greatly assist an administrator in defining the political environment in which he must operate.

In order to determine both the identity of demand information consumers and the frequency with which various consumer groups ask questions, the demand information examples were assessed in terms of the source of each inquiry. The assumption underlying this assessment was that the inquirers could be reduced to a few categories in which the type of data requested and the impact of the consumer on an agency were similar within each group. The results of this categorization are presented in Table 2.2. As can be seen, there are six primary inquiry categories, with each category reflecting inquirers who asked similar questions having approximately the same impact on an agency.

Table 2.2
Source categories of demand information

Source category	*Category definition*	*N*	*Percent*	
Internal	Information requests originating from within the agency	77		14.2
Governmental	Information requests submitted by either a State or Federal governmental agency			29.9
Executive		47	8.6	
Legislature		25	4.6	
Judiciary		22	4.0	
Social services		40	7.4	
Federal		29	5.3	
Correctional agencies	Requests received from another adult or juvenile correctional agency	104		19.1
Universities/ students	Information requests received from an academic institution	74		13.6
Citizens/ professionals/media	Requests received from individual citizens or media representatives involved in such areas as radio, television, magazines, and newspapers	44		8.1
Research and consulting organizations	Professional inquiries received from private organizations	37		6.8
Institutes/councils/ public interest groups	Requests received by any group not mentioned above	44		8.1

Governmental agencies

Governmental agencies produced the largest number of external information requests obtained in this study. Specifically, almost 30 percent of all requests came from a source within either the state or federal government. Because this general category of inquirers was so large, and because the different branches of government have varying degrees of impact upon a correctional agency, governmental agencies were further divided into five subcategories.

State executive agencies

The most frequent consumers among governmental agencies were those in the executive branch. Typical consumers from within the executive branch consisted of law enforcement agencies, youth commissions, various administrators at the county level, offices of budget and planning, and the governor's office. The type of inquiry typically made by these consumers dealt with planning or budgetary information. Many of these questions involved the rate at which inmates moved through various levels of incarceration, the cost of incarceration per capita, the provisions of various programs, and the number of inmates becoming eligible for parole.

Social service agencies

Social service agencies comprised the second largest consumer group within the government sector. Although social service agencies are typically under the administration of the executive branch, these agencies were categorized separately because of their differential impact upon corrections and the type of questions asked. Social service agencies needed to know the extent to which the correctional population was growing. For example, the number of inmates eligible for parole, early release, or community placement and their impact on community services were typical of questions asked. Some agencies included in this category were state departments of education, mental health, welfare, and so forth.

Federal government

The federal government was the next most frequent inquirer. Examples of those agencies within the federal system that requested information were the U.S. Parole Commission, LEAA, the National Prisoner Statistics Program of the Bureau of Justice Statistics, the Bureau of Indian Affairs, and the Departments of Labor, Education, and Health and Human Services. Information demands by federal agencies usually involved an aggregate count of inmates at certain times throughout the year or counts of inmates having a particular attribute, such as being a veteran.

The legislature

At the state level, inquiries from the legislature typically involved either impact statements concerning the effect of various changes in law or policy on corrections or a description of programs and budget allocations. Although questions from this branch of government were less frequent than other branches, the impact of their inquiries upon corrections is usually more significant.

The judiciary

Finally, the judiciary produced a limited number of inquiries which usually focused on either the need for legal services among inmates, or information demonstrating compliance with a particular judicial mandate. Although the frequency of judical requests included in the sample was relatively small, this enumeration did not include the many informal requests for information which are internally processed as a consequence of ongoing litigation.

The vast majority of legal questions produced by civil suits brought against an agency by inmates are processed from within the agency by the attorney general's correctional representative or the correctional agency's own legal staff. Although these demands for information are not direct inquiries from an outside agency, they are nevertheless the consequence of judicial intervention into corrections. The impact of this intervention on correctional administration has been so great that the resources of an entire research department may be dedicated to answering one suit (as recently witnessed in a Texas class action suit: *Ruiz et al.* v. *Estelle*). Because of the tremendous informational demands that the judiciary places upon corrections, an entire section of this report has been dedicated to outlining an information model which may form the basis of a successful correctional response to information demands emanating from litigation (see Chapter 3).

Correctional agencies

A second major source of demand information requests was other correctional agencies. Apparently, the need to communicate and share information among correctional agencies is considerable (see Table 2.2). Almost all correctional agencies studied had themselves been a consumer of demand information.

Correctional agencies produced a diffuse array of information requests. A significant number involved policy statements or a description of procedures covering specific areas. Other requests concerned the composition, cost, and impact of various programs. Finally, a number of inquirers asked for inmate characteristics and counts. Many of these questions appeared to center on issues of current interest in correctional case law.

As a consequence of pressures for standardization which are being placed upon the corrections community, correctional administrators will find it increasingly necessary to share information among themselves. Evidence for this is witnessed in the present rate of information sharing which now occurs among agencies. Unfortunately, the present way in which these information transactions take place is haphazard and unreliable. Administrators having a question wonder whom to ask. Many solutions to common problems remain undiscovered because there is no systematic way in which to share information.

The need to share information in corrections suggests the necessity of developing some centralized information sharing system. From an analysis of the inquiries in the present study, such a clearinghouse would need to disseminate information in two primary areas. First, the sharing of policy statements among correctional agencies would not only facilitate the standardization promulgated by professional groups and demanded by the courts, but would also assist in filling the policy gap in operational areas which lack formal guidelines. This would reduce the likelihood of correctional administrators being found personally liable because they acted in bad faith because of a lack of policy to substantiate their actions. Secondly, the sharing of novel solutions to common problems would not only enhance correctional decision making, but would also go a long way toward insuring that administrators use the "least restrictive means available" when infringing upon any of the inmate rights guarded by federal courts. For example, the Virginia Department of Corrections has a portable mini-camera crew which they send to any unusual incident involving inmate disturbances. They have found that the presence of this camera team not only inhibits further violence, but also provides an indisputable record of each incident in the event that the actions taken during the incident lead to a civil suit by an inmate. Solutions like this need to be shared, and a national clearinghouse would facilitate this goal.

Universities/students

The third category of demand information inquirers involved universities and students. This group of consumers was dichotomized in terms of the sophistication of their inquiry. A large number of requests were submitted by students and concerned descriptive topics such as prisoners on death row, the daily routine of inmates, how corrections rehabilitates, and so forth. Inquiries from faculty and university researchers, on the other hand, typically involved statistical enumerations of inmate characteristics, and a variety of rather complex questions dealing with inmate behavior, program evaluation, and management decision making. Furthermore, inquirers from the academic community were more likely to submit their request in the form of a pre-structured questionnaire. This type of response format was in many cases more difficult for an agency to handle because it forced correctional personnel to conform their response to the specific structures assumed in the survey instrument.

Another observation resulting from the analysis of academic inquiries was that the closer the inquirer was to the actual operation of an agency, the better his inquiry mirrored the response capabilities of that agency. For example, inquiries from the academic community frequently requested information which would be either difficult or impossible for an agency to develop. This situation is probably attributable to the fact that some academicians have little experience with the actual data resources and operations of a correctional agency. On the other hand, consumers such as governmental agencies or other correctional agencies typically requested information which was part of an operational correctional data base. Apparently, the more operational interaction an inquirer has with corrections, the more his questions parallel the information generally maintained and used by a correctional agency.

Citizens/professionals/media

A fourth group of consumers involved interested citizens, professional groups and the media. Inquiries from these groups represented a broad array of information requests. The type of inquirers included within this category were attorneys, psychologists, librarians, and inmate families. In addition, inquiries were received from newspapers, television stations and networks, magazines, and other public information sources.

Many of these requests centered on topics of current concern to the public such as escapes, death sentences, and correctional programming. The majority of these were easily handled by information already on hand, such as an annual report.

Research and consulting organizations

Information requests from consulting organizations and organized research projects composed the next most frequent category of inquirers. These consumers generally submitted requests concerning inmate characteristics, inmate counts, needs assessments, and programming characteristics. A few of these inquiries also involved questions on operational procedures, institutional management and various policy statements.

Institutes/councils/public interest groups

Finally, a small number of requests were received from institutes, councils, and public interest groups. These inquiries generally involved institutional policy and appeared to suggest comparative studies among various correctional agencies. It may be that these requests were a product of the trend toward standardization of correctional policies and procedures.

In concluding this analysis of the sources of demand information, a number of observations may be made.

- Beyond the information requests generated internally, the most frequent consumers of demand information are government agencies. Specifically, the executive branch and social service agencies make up the majority of such inquirers.
- Information requests produced by the judiciary as a result of ongoing litigation are typically processed internally. Inquiries from this source have a significant impact on an agency and therefore receive priority over all other requests. The need for responsive information systems in this area is so great that a model for developing a data base designed to serve judicial information demands is presented in Chapter 3.
- The need to share information among correctional agencies themselves is considerable. Specifically, this need involves policy statements and solutions to common problems. As a result, it is suggested that a national clearinghouse for correctional information sharing be established.
- The farther an inquirer is removed from the day to day operations of a correctional agency, the less his inquiry tends to match information typically maintained in a correctional data base. For example, the most complex questions generally came from the academic community which frequently has little operational interaction with corrections.

The analytic structure of demand information requests

After defining the types of information which are required by the user of a system, and after the data base containing this information is organized, the final step in designing an efficient information system is to identify the analytic processes needed to satisfy the demands of inquirers. Ideally, an information system should be able to answer the questions asked of it with a minimum of custom programming. If the typical inquiry received by an agency involves relatively simplistic frequency distributions and percentages, it would not be cost beneficial to maintain an expensive software package capable of producing higher order statistical analyses.

To address this third step in systems design, the sample inquiries were assessed in terms of the analytic processes required to produce satisfactory answers. An analytic process was defined as a statistical procedure by which data is organized, manipulated and reduced in order to derive the answer to a specific question. The assessment of analytic processes involved sorting the requests into groups which reflected similar statistical procedures.

Among the many information requests sampled, the necessity of statistical analysis was apparent in only two content areas. The first, and by far the largest category of demand information involved inmate inquiries. Inmate inquiries were defined as those requests which focused on inmate characteristics, sentence calculations and behavior. The factor which was common among all these requests was that inmates, rather than programs, policies, or administrative actions, were the units of count. The second category of inquiry which necessitated statistical analysis involved program evaluation in terms of cost/capita, inmate needs served, and the effects of programming on behavior. The remaining inquiries, which focused on such content categories as institutional programs, agency policy and procedures, and the majority of administrative inquiries, required no analytic processes in order to produce a satisfactory response.

From an analysis of those inquiries which centered on inmates, it was observed that a satisfactory response typically involved either a statistical count of inmates with certain characteristics at a single point in time (stock enumerations), or an enumeration of inmates who had entered a particular correctional process and completed that process (flow enumerations) within a certain period of time. Examples of stock enumerations involved such things as the number of inmates in an institution, the number of veterans incarcerated, inmates anticipating a certain release date, and the number eligible for early release. Requests centering on stock enumerations were most frequently satisfied by a frequency distribution of inmates or by the proportion of inmates in question relative to some larger group. An example of this latter type of request was the proportion of all veterans incarcerated for drug-related offenses. Considering the number of requests which asked for this form of reply, it would appear that correctional information systems ought to have the capacity to compute the ratio between the number of inmates with particular characteristics and the larger inmate population to which these smaller subsets belong.

In addition, stock inquiries also involved inmate counts in terms of bounded lengths of time. For example, how many assaults or escapes have occurred over the past year? This type of inquiry requires the capacity to cross tabulate inmate characteristics with time.

Requests which concerned the flow of inmates through a particular process or program typically require the ability to subtract the number of inmates entering a process from those completing the process. For example, of all the inmates entering a program, how many finished, were released, reclassified, or were otherwise terminated? The time frames specified in these requests were either open and unspecified or closed and confined to specific dates. For example, inquiries with an open time frame would ask how many of those who started a process completed it. An open time frame was more typical and allowed the agency to provide the answer in whatever form available. On the other hand, inquiries specifying a closed time frame require an agency to cross tabulate the difference between inmates entering and ending a process within specific time intervals. For example, how many inmates entering vocational training since 1978 have completed the program?

	Drug offense	Non-drug offense
Veteran	Number of veterans incarcerated for a drug offense	Number of veterans incarcerated for non-drug offense
Non-veteran	Number of non-veterans incarcerated for a drug offense	Number of non-veterans incarcerated for non-drug offense

Figure 2.1. Cross-tabulation of two inmate factors

Besides stock and flow issues, the other statistical procedures involved in requests were frequencies and cross tabulations. Frequency requests centered on a single attribute and merely asked for the number of inmate possessing this characteristic. Cross-tabulation requires an enumeration of inmates having two or more attributes. For example, questions such as the number of sex offenders in therapy, or the number of veterans incarcerated for drug-related crimes reflect two inmate factors which have to be cross-tabulated in order to identify those inmates of concern.

As seen in Figure 2.1, the answer to any question produced from a cross-tabulation analysis is in the form of frequencies or percentages. Each cell in the cross-tabulation matrix indicates the number of inmates having both characteristics labeled in the margins. Although cross-tabulation analysis is the basis for such statistical tests of significance as Chi Square and measures of association such as the Phi Coefficient, the sample of inquiries revealed little need to go beyond the simple enumeration of cell frequencies.

The most common form of cross-tabulation requested in the sample involved more than two factors. In fact, several inquiries required as many as four or five attributes to be cross-tabulated at one time, complicating the development of the response. For example, a question asking for the number of black veterans who were drug addicts and were convicted for crimes of violence requires a simultaneous search across four factors in order to identify the appropriate inmates.

Although a computer program for such an analysis would not involve a great deal of complexity, all attributes under question would probably need to be maintained in a single data file. This observation points out the advantage of having a single inmate master file on which all identifying factors can be maintained.

This analysis of demand information requests suggests several generalizations about required analytic capability:

- There appears to be little need to maintain sophisticated analytic packages capable of inferential analysis to satisfy most inquiries.
- Of those inquiries necessitating an analytic process, only two statistical techniques were required in order to provide a satisfactory answer:

  (1) The frequency or proportion of inmates having a certain characteristic.

  (2) A cross-tabulation of inmates having two or more characteristics.
- Across all the content areas discussed in the first part of this chapter, only inmate inquiries and program evaluations required any analytic processing. The rest of the inquiries were satisfied by policy statements, program descriptions, or other records normally maintained by an agency.
- Many inquiries require an enumeration of the number of inmates processed through a program in a specified period of time.

References

[1] Krantz, Sheldon. The Law of Corrections and Prisoners' Rights in a Nutshell. St. Paul, Minnesota: West Publishing Co., 1976.

[2] SEARCH Group Inc. OBSCIS: Offender Based State Corrections Information System. Volumes 1–8, (Sacramento, California: SEARCH Group Inc., 1975–1980.

Chapter 3

Correctional case law demand information model*

A primary concern in the development of any effective information system is that it satisfy those inquiries most critical to the survival and operation of the agency. The analysis of demand information presented in Chapter 2 indicates that the correctional community is inundated by inquiries from both the public and private sectors. Some of these inquiries were intended to satisfy a student's curiosity while others influenced legislation. However, of all the various groups which demand information of corrections, none has a more significant impact nor makes any greater demand upon an agency's resources than the judiciary.

Over the past decade, the federal courts have increasingly intervened into almost every aspect of the correctional process. As a consequence, corrections has been called upon to produce mountains of documentation in an attempt to meet the court's inquiries about the way in which inmates are housed and managed. The critical nature of these information demands is evidenced by the fact that a failure to respond to challenges from the court not only invites "management by court order," but exposes correctional administrators to personal liability. Furthermore, the inability to successfully defend itself injures the public image of corrections and impairs its ability to maintain a credible relationship with other groups with which it must interact. Finally, the volume and importance of judicial information demands so greatly absorb the resources of an agency when it is involved in litigation that its ability to satisfy other inquirers is significantly diminished.

To a large extent, corrections' failure to anticipate and develop the evidence necessary to offer a viable defense for its actions is due to the rapid and often unpredictable evolution of correctional case law. Prior to the 1960s, the federal courts refused to accept jurisdiction over prisoner complaints on the basis of what was called the "hands off" doctrine.[1] Under this doctrine, the courts operated on several assumptions. First, it was common practice to assume that while a suspect was entitled to his constitutional rights before and during the trial, upon conviction he lost many of the rights he once had. Secondly, the courts acknowledged that since corrections was designed to benefit the prisoner, correctional administrators would know what was best, not only for the prisoner, but for the institution. Finally, the courts confirmed that whatever was given to an offender was a privilege, not a right, and as such could be given subject to certain conditions and taken away for almost any reason. Historically the courts consistently maintained this position because they did not want to impair the ability of prison officials to carry out their varied and complex penological responsibilities.

However, in the 1960s various attitudinal changes in American society precipitated what has been termed the "due-process revolution."[2] This vigorous concern for individual rights opened the door for judicial intervention into every facet of the criminal justice system. For the correctional community, the demise of the "hands off" doctrine resulted in a number of landmark decisions which dictated that:

- Prisoners have certain fundamental rights.
- Certain practices, procedures, facilities and lack of correctional resources abridged these rights.
- Correctional officials did not make an adequate showing that valid correctional concerns justified such various abridgements of these fundamental rights.
- Changes had to be made in accordance with the mandate of the courts' opinions.

The consequence of these decisions is that correctional agencies must bear the burden of proof in showing that either they have not violated a constitutional right or that they did so only in response to a "compelling state interest." In addition, when a fundamental right is involved, the agency must establish that any restriction on an inmate is the minimum necessary to adequately serve a compelling state interest.

After a decade of balancing the needs of corrections and the rights of inmates, patterns in correctional jurisprudence have begun to emerge and one can anticipate the information demands precipitated by this case law revolution. More specifically, there appear to be four fundamental questions which the courts ask in deciding any case involving corrections:

- Has a constitutionally protected right been violated by the correctional agency?
- What is the agency's justification for such a violation?
- Can the agency prove that its interest is compelling enough to justify the invasion of the prisoner's rights?
- Is there any other way in which the agency could protect its interests and yet minimize or avoid the violation of the prisoner's rights?

These four questions have a number of implications for correctional administrators who wish to move from a reactive to a proactive stance in regard to judicial intervention. In response to the first question, correctional administrators must be aware of the current posture of the court toward inmates' rights and the conditions, policies, and actions which might lead to litigation. Furthermore, administrators must be able to anticipate trends in correctional case law so that the orderly development of an agency's operations can precede any management by court order. An adequate response to the second and third questions necessitates the development of documentation concerning an agency's actions, services, and facilities. Even if an agency is unable to avoid infringing on an inmate's rights, it may oftentimes be able to substantiate and defend its actions if a "compelling state interest" can be shown. Finally, the showing that an infringement of an inmate's rights is the minimum necessary to serve the needs of corrections requires that administrators be aware of alternative solutions which might be available. This means that a vehicle is needed through which correctional agencies might share the best solutions to common problems.

The model

In order to enhance a correctional agency's response to these four fundamental questions, a four-part correctional case law model has been developed (see Figure 3.1). This model is designed to illustrate the types of information which an agency should maintain in order to either avoid or successfully respond to a challenge from the court. This model reflects current conditions and needs based upon past appellate court decisions.

Summary and trend statements

The first and second components of the model are designed to help correctional administrators avoid litigation altogether. To do this, administrators need to know what is happening across all areas of correctional case law and more importantly, what is going to happen. In Exhibit 3.A, at the end of this chapter, are presented sum-

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* Much of the material presented in this chapter and in the Case Law Compendium (Appendix B) resulted from consultation with a number of correctional law specialists including Richard Crane, Attorney at Law, Louisiana Department of Corrections; Dr. Rolando del Carmen, Associate Professor, Criminal Justice Center, Sam Houston State University, Huntsville, Texas; Robert DeLong, Counsel, Texas Department of Corrections; and Leonard Peck, Attorney at Law, Special Assistant to the Attorney General, State of Texas.

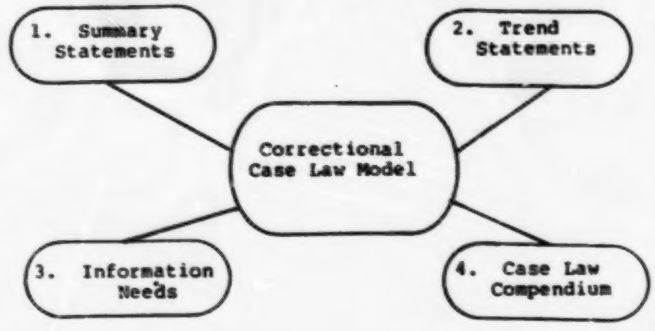

Figure 3.1. Correctional case law demand information model

mary statements and trends statements across each of 20 major issue areas in correctional case law as outlined in Table 3.1. The issue areas which underlie the model were identified by reviewing available documentation concerning correctional case law and by consulting with a number of attorneys who regularly defend correctional agencies.

The summary statements encapsulate contemporary jurisprudence on current issues in correctional case law. They are designed to allow administrators to briefly review the current status of litigation and modify their decisions so that any major or unsupportable conflict with the courts might be avoided. The statements are based upon:

- An exhaustive review of appellate court decisions involving correctional agencies, administrators, prisoner rights conflicts, etc.[3]
- Extensive tracking of all cases to determine whether precedents set in older cases have subsequently been overruled by more recent cases.[4]
- Advice of a number of correctional lawyers familiar with contemporary correctional case law and the informational needs of correctional administrators.

The trends statements enumerate a number of observations as to how the courts might be expected to move in any particular issue area in the near future. These trend statements were developed from the summary statements, together with case dicta, footnotes and dissents, and discussions with attorneys in the field. The trends statements are intended to assist administrators in preparing for informational demands by the courts before they develop.

Case law compendium

The third part of the model, appearing in Appendix B, is a compendium of correctional appellate cases which represent the courts' decisions across the various issue areas in correctional law and upon which the summary statements and trend statements are built. The compendium provides a more detailed enumeration of the court's posture on specific issues. Within each issue area, the leading cases are cited and their holdings abstracted.

Information needs

The final, and possibly the most useful part of the model is the section on information needs which was designed to help correctional agencies respond to the question of what information ought to be retained to indicate that its policies and procedures " . . . are compelling enough to justify the invasion of a prisoner's rights." In essence, this part of the model is a requirements analysis for a correctional law information system. As seen in Exhibit A, the information needs enumerate those data elements which would typically be needed by an attorney to successfully defend an agency within any particular issue area of correctional case law. These information needs were developed from a review of discovery requests, an analysis of active defenses to correctional suits in the various issue areas, and discussions with a number of lawyers handling correctional litigation. The information needs involve policy statements, records, and documentation of actions, services, and facilities which would typically be required to show a compelling interest. Again, this part of the model is intended to provide an exemplary format upon which correctional administrators, data processors, and lawyers can develop an information system responsive to both current and future demands of the court.

Table 3.1
Directory of major issue areas
correctional case law demand information model

I. Court access
II. Access to counsel
III. Media access
IV. Receipt of publications
V. Correspondence
VI. Visitation
VII. Telephone access
VIII. Transfers
IX. Religion
X. Administrative segregation
XI. Isolation
XII. Search & seizure
XIII. Conditions of confinement
XIV. Staffing
XV. Work/idleness/exercise
XVI. Rehabilitation
XVII. Grievance procedures
XVIII. Discipline
XIX. Race and sex discrimination
XX. Civil rights actions

Rules of evidence

Of course, in developing such a system, it must be kept in mind that the documentation of information must conform to the rules of evidence which govern the admissibility of evidence in a court of law. As concerns the type of information suggested in the model, the most important aspect of the rules of evidence appears to be the business records rule.[5] This rule specifies the conditions under which agency records and documentation must be presented. Specifically, the business records rule states that a witness producing records in court must be able to show:

- The agency maintained records in the normal and regular course of business, and that the records produced are a part of those regularly kept.
- The entries in the records are made at or about the time that the transaction takes place.
- The entries are made from reports, memoranda, or other documents prepared by someone who actually had knowledge of the transaction.
- The records produced are the original records, though photographic reproductions have generally been submissible.

A recognition of the constraints placed upon an agency in responding to judicial demands for information emphasizes the need for corrections to anticipate these demands and develop information in an orderly and accurate manner, as a consequence of the normal course of business. Finally, it should be noted that even though an agency can show a compelling state interest and justify its actions, it must also evidence that its actions are the least restrictive method of violating an inmate's rights. In order for an agency to be aware of the optimum solutions to its problems, and be able to show that there is no better course of action, corrections must develop a vehicle through which it can share information. Optimally, corrections should have a national clearinghouse through which agencies can share the best solutions to common problems. Such a clearinghouse would also serve to enhance the standardization of correctional policy and management, as is currently being attempted by the American Correctional Association and the Law Enforcement Assistance Administration through the Correctional Standards Project. Hopefully, the combination of such a national clearinghouse, along with the proactive development of correctional law information systems as outlined in the present model will satisfy the demands created by litigation and put correctional administrators back in full control of their agencies.

References

[1] Krantz, Sheldon. *The Law of Corrections and Prisoners' Rights in a Nutshell*. St. Paul, Minnesota: West Publishing Co., 1976. (See also Krantz, *Cases and Materials on the Law of Corrections and Prisoners' Rights*. St. Paul, Minnesota: West Publishing Co., 1973.)

[2] *Ibid.*

[3] Potts, James L. and Bronstein, Alvin J. *Prisoners' Self Help Litigation Manual*. The National Prison Project of the American Civil Liberties Union Foundation. Lexington, Massachusetts: Lexington Books, 1976.

[4] *Ibid.*

[5] Stuckey, Gilbert, *Evidence for the Law Enforcement Officer*. New York: McGraw-Hill Book Co., 1974.

Exhibit 3.A
Correctional case law demand information model

I. Court access

Summary

The right to an individual and meaningful access to the courts is guaranteed to prisoners under the due-process clause of the U.S. Constitution. While officials maintain some discretion in how meaningful access will be provided, it is clear that inmates are entitled to communication to and from the courts free of institutional interference. Officials are required to handle such correspondence expeditiously.

Trends

- Right to send sealed correspondence to judges and to have incoming correspondence inspected only in inmate's presence.
- Where law library is utilized to provide access to the courts, scrutiny of contents of library, its availability to inmates, particularly those in segregation units, amount of time library is open, number of books inmate can request, etc.
- Review of adequacy of alternative legal assistance programs—law school clinics, in particular.
- Review of arbitrary reassignment of "jailhouse lawyers."

Information needs

- Department and institutional rules on inmate/court correspondence, incuding postage allowances.
- Department and institutional rules on inmate-provided legal assistance, library hours, access to library, etc.
- Clear statements outlining alternative legal assistance programs.
- List of all law books and legal subscriptions (records should include efforts at keeping library current and replacement of lost or damaged books).
- Certification of adequacy of law library by law librarian or law professor.
- Records of reasons for transferring or disciplining jailhouse lawyers.
- Records of attempts to abuse law library access or privileged communications.
- Records of all inmates seeking legal assistance and the help provided to them.
- Records detailing reasons for any breach of privileged communications by the institution.
- Budget figures for law-related books and supplies.

II. Access to counsel

Summary

The right of an inmate to communicate with his attorney is clearly recognized. Provided the attorney has placed the institution on notice regarding the attorney/client relationship, mail from attorneys may be opened and inspected, but not read, only in the inmate's presence. Inmates have the right to see their attorneys at reasonable times and in such a manner as to permit private communication between them.

Trends

- Access to legal assistance groups (ACLU, etc.) governed by same rules as access to attorneys.
- Visits by attorneys' employees (paralegal, law students, investigators) governed by same rules as attorneys.
- Contact visits required.
- Outgoing mail sealed.

Information needs

- Rules governing attorney correspondence and visiting.
- List of members of state and local bar.
- Record of all attorney visits (date & inmate visited).
- Record of all abuses of attorney's visiting or correspondence privileges (particularly regarding introduction of contraband).

III. Media access

Summary

Some means of communication between prisoners and the press must be available, but neither inmates nor the media are entitled to specific personal interviews. The press has no greater right of access to a prison than does the general public.

Trends

- Privileged correspondence similar to attorney/inmate mail.
- Rules setting forth standards to be applied when interviews are requested.

Information needs

- Rules governing correspondence and visiting by media.
- Rules setting forth criteria for permitting individual interviews and group press conferences.
- Records of all press access.
- Records of all abuse of correspondence or visiting privileges.
- Records of security problem created by media access.

IV. Receipt of publications

Summary

Censorship of publications must be related to legitimate institutional interests. Requiring that publications be received only from publishers is permissible. Institutions may not censor publications merely because they are critical of prison administration.

Trends

- Regulation regarding censorship must be specific.
- Requiring evidence to show that sexually oriented material will cause problems in the institution.
- Limitations on amount of reading material in cell is valid.
- Inmate untitled to notice of and appeal from censorship decisions.

Information needs

- Rules governing incoming publications, including disposition of unacceptable publications.
- Records of any problems caused when particular publications are allowed into institution.
- Records of publications censored and reasons therefore.

V. Correspondence

Summary

Mail between inmates and those on the outside may be censored if it furthers security, order, or rehabilitation within the institution. If officials censor or withhold mail, the inmate must be notified and the author of the letter must be given an opportunity to appeal the decision to someone other than the original decision maker. It is permissible to inspect letters between inmates and private individuals for contraband. This may be done outside the inmate's presence.

Trends

- Intrusions into inmate's right of free speech must be the least necessary to accomplish a legitimate government interest.
- Mail lists and restrictions on the number of letters a prisoner can write are being set aside.
- Delays in delivering mail to inmates are being scrutinized.
- Some minimum free postage is required.
- Review of censorship decisions.
- Reading of outgoing mail coming under criticism.
- Prohibition or censorship of inmate-to-inmate correspondence being upheld.

Information needs

- Department regulations on general correspondence.
- Procedures for handing of mail.
- Procedures for securing postage and/or stationery by indigents.
- Records of yearly expenditures for postage and stationery by institution.
- Records detailing any censorship and appeals therefrom.
- Records of contraband discovered passing through the mails.
- Records of disposition of contraband.

VI. Visitation

Summary

Visitation may be regulated when reasonably related to legitimate prison interests. However, any regulation must be applied in a uniform manner. There is no constitutional right to conjugal visits.

Trends

- Requiring advanced approval of potential visitors is permissible.
- Suspension of visiting privileges as punishment is being closely scrutinized.
- Contact visitation, particularly for pretrial detainees.
- Review of visiting hours and number of visitors allowed permitted.
- Review of visiting room conditions.
- Minors to be permitted to visit parents.

Information needs

- Department regulation on visiting—including frequency and number of visitors.
- Records of persons denied visiting.
- Records of problems caused by individual visitors.
- Records of visitors received by each prisoner and date of visit.
- Records of approved visitors.
- Records of special visits.

VII. Telephone access

Summary

There is no clearly established right to telephone calls for convicted prisoners. Telephone calls may be monitored (except calls between inmate and his attorney).

Trends

- Permitting at least emergency calls.
- Regular telephone access for pre-trial detainees.

Information needs

- Department regulation regarding inmate use of telephone.
- Logs showing calls made by inmates.
- Records of any abuse of telephone privileges (obscene calls, threats, etc.).

VIII. Transfers

Summary

Inmates are not entitled to hearings or other procedural due process when they are transferred from one prison to another. However, transfers within the same institution to a segregation unit do require due process. (See Sections X and XIX).

Trends

- Same due process required for transfers from prison to mental hospital or from there back to prison.
- Motivations for transfers being reviewed (e.g., to stop jailhouse lawyers).
- Effect of transfer on inmate being considered.
- Inmates have no right to transfers.

Information needs

- Department regulations on intra-state and inter-state transfers.
- Criteria for placement in every unit within system.
- Guidelines for selection to special programs or units (work release, etc.).
- Reasons for individual transfers.
- Emergency transfer procedures.

IX. Religion

Summary

Restrictions of inmates' religious freedom may only be justified by showing a compelling state interest. Generally, institutional security and economic considerations are recognized by the courts as sufficient justification for infringing on inmate's religious freedom. Religions must be treated equally within the prison.

Trends

- Review of regulations restricting hair length and beards where regulations are in conflict with sincerely held religious beliefs.
- Religiously motivated dietary requirements are being recognized.
- Security considerations which curtail religious activities are being closely reviewed.

Information needs

- Department regulation policies re religious activities, including appearance codes and handling of special dietary needs.
- Breakdown of inmate population by religion.
- Record of religious services provided, including payments to chaplains or part-time ministers.
- Record of problems created by particular religious groups or individuals.
- Record of reasons for denying any religiously motivated request.
- Policies regarding visits by religious or spiritual advisors.

X. Administrative segregation

Summary

If the transfer to administrative segregation amounts to a "grievous loss," the institution must provide due process safeguards, including notice of the reasons for the transfer, a hearing before an impartial fact finder and a limited right to present documentary evidence and call witnesses.

Trends

- Review of reasons for placement in administrative segregation.
- Periodic review of inmates to determine when they should be released.
- Criteria for release.
- Exercise privileges.

Information needs

- Written rules giving notice to inmates regarding actions which will cause transfer to administrative segregation.
- Written procedures for hearings.
- Records of hearings, including evidence relied on and reasons for sentence imposed.
- Written criteria for release.
- Procedures for reviewing inmates in administrative segregation.
- Conditions in segregation units (space, sanitary facilities, exercise, etc.).
- Any special rules applicable to segregation, but not other areas of the prison.

XI. Isolation

Summary

Inmates are entitled to due process protections before placement in isolation. Isolation is cruel and unusual punishment if the deprivations and/or length of confinement are shocking to the conscience.

Trends

- Review of dietary restrictions during isolation.
- Length and conditions of solitary are being closely linked.
- Deprivation of clothing is looked upon unfavorably.
- Visiting privileges while in solitary.

Information needs

- Regulations governing placement in solitary.
- Records of hearings including evidence relied on and reasons for placement in isolation.
- Log showing duration of confinement and number of inmates sharing cell.
- Plans detailing cell size and conditions.
- Any special rules not applicable to general prison population.

XII. Search and seizure

Summary

Searches of cells and personal belongings and pat-down searches of inmates may be conducted at any time. Search warrants are not necessary. Strip searches may routinely be performed after contact visits.

Trends

- Probable cause necessary before conducting strip and body cavity searches.
- Receipts for confiscated property.
- Presence of inmate during search of possessions.
- Privacy during strip searches.
- Notice to inmates regarding what actions will subject them to strip searches.
- Body cavity searches by medical personnel only.

Information needs

- Regulations governing searches.
- Records of all contraband seized and manner in which it was found.
- Records of reasons for conducting non-routine strip searches.
- Copies of receipts given inmates for seized property.
- Disposition of all property seized.

XIII. Conditions of confinement

A. Overcrowding

Summary

Double celling is not per se unconstitutional, but courts look at many factors in determining whether institution is unconstitutionally overcrowded. Square footage standards adopted by various groups do not constitute constitutional minima.

Trends

- Square footage is just one factor to be considered, others are: time spent in cell, conditions of cell, age of buildings, amount of violence and number of disciplinary infractions.
- Design or rated capacity not controlling in determining overcrowding.

Information needs

- Daily population figures by housing units.
- Square footage in each housing unit.
- Time spent in cell/dorm each day.
- Desirable and maximum capacity of institution by housing unit.
- Discipline and violence figures by month.

B. Medical care

Summary

Courts will not second guess medical staff, but will intervene where there is a deliberate indifference to medical needs by either medical or non-medical staff.

Trends

- Medical personnel/inmate ratios.
- Review of adequacy of mental health care.
- Preventive medicine (regular physicals, etc.).
- Dietary needs.
- Special facilities for physically handicapped.

Information needs

- Medical staffing patterns.
- Hospital procedures, including quarantine of persons with contagious diseases.
- Sick call procedures.
- Individual medical and dental records for each inmate.
- Emergency procedures and records of emergency treatment.
- Statistics showing numbers of inmates treated, type of medical problem, etc.
- Records of any special treatment programs.
- Inventory of medically-related equipment.

C. Physical conditions

Summary

Courts will look at the totality of the conditions of confinement. Even though one thing standing alone (e.g., inadequate plumbing) might not be cruel and unusual punishment, the total effect of the living conditions can rise to constitutional levels.

Trends

- Clothing must be laundered regularly and must be consistent with the climate.
- Regular cleaning schedule.
- Proper insect and rodent control.
- Every cell to have toilet and hot and cold water.
- Beds must be off the floor and of nonflammable material.
- 30 foot candles for cell lighting.

Information needs

- All architectural plans, particularly for heating and ventilation systems.
- Staffing patterns of maintenance personnel.
- Maintenance records.
- Housekeeping regulations.
- Records of housekeeping supplies purchased.
- Records of articles of hygiene (soap, toothpaste, etc.) purchased and furnished inmates.
- Pest control contracts or records.
- Fire marshall's reports (at least yearly).
- State health office reports (at least bi-monthly).

D. Food services

Summary

Prison officials are required to provide a well-balanced meal containing sufficient nutritional value to preserve inmate's health. A trained dietician should regularly review menus and food preparation. Special diets ordered by the medical staff must be provided.

Trends

- Providing for special dietary needs based on religious beliefs.
- Regular examinations of food handling personnel (free personnel and inmates).
- Regular inspections of sanitary conditions in food preparation areas.
- Review of amount of time inmates are given to eat.

Exhibit 3.A (continued) Correctional case law demand information model

- Review of dining locations (cell vs. dining hall).
- Review of dietary restrictions in solitary confinement, including number of meals a day.

Information needs

- Daily menus.
- Health reports on food handlers.
- Sanitation reports for food preparation areas.
- Procedure for handling special diets.
- Complete reports of any suspected food poisoning incidents.

E. Inmate safety

Summary

Prison officials must exercise sufficient control and supervision to protect inmates against physical assaults. Inmates cannot be used to guard other inmates. Employees may not use unnecessary or excessive force against inmates.

Trends

- Review of classification system to ensure separation of potentially violent from non-violent.
- Assignment of only minimum security inmates to dormitories.
- Annual review of each prisoner's classification.
- Review of shakedown procedures.
- Review of guard-to-guard and prisoner-to-guard communication systems.

Information needs

- Classification criteria and procedures.
- Clear statements regarding types of inmates to be housed in each housing unit.
- Reports of any use of force by employees or inmates, including statements by examining doctor.
- Record of all shakedowns, including items confiscated.

XIV. Staffing

Summary

Sufficient numbers of employees to protect life and property must be hired. Prison guards must receive adequate training. Employment must be on a racially non-discriminatory basis.

Trends

- Requiring affirmative hiring programs to reduce racial disparity.
- Equal job opportunity for women.
- Psychological examinations of prospective employees.
- Review of staffing patterns.

Information needs

- Employee interview records showing race, sex, and reasons for not hiring.
- Records of staffing patterns.
- Statistics on daily absence.
- Records of all training programs, including curriculum and attendees.

XV. Work/idleness/exercise

Summary

Inmates are entitled to some minimal amount of exercise. They are not, however, entitled to *meaningful* jobs during their incarceration.

Trends

- Inmates must be given opportunity to work.
- Inmates entitled to 3-5 hours of outdoor exercise each week.
- Review of recreational programs and equipment available to inmates.

Information needs

- Job breakdown by title and type of skill required.
- Individual inmate institutional work records, including reasons for job changes.
- Regulations controlling indoor and outdoor exercise.
- Inventory of exercise and athletic equipment.

XVI. Rehabilitation

Summary

Courts have not found that inmates have a right to rehabilitation or treatment programs during incarceration. However, as part of the total conditions of an institution, they often consider existence of such programs in deciding whether the institution is violating the prohibition against cruel and unusual punishment.

Trends

- Review of reasons for denying inmate the right to participate in available programs.
- Selection of inmates for programs must be on non-discriminatory basis.
- Requiring basic education courses.

Information needs

- Description of available programs.
- Selection criteria and reasons for removal from program.
- Portion of budget spent on rehabilitation.
- Number of persons participating daily and yearly.

XVII. Grievance procedures

Summary

Inmates need not exhaust administrative remedies, including institutional grievance procedures, before filing suit in federal court alleging constitutional right violations.

Trends

- Congress is considering legislation (H.R. 10) which would require exhaustion of grievance procedures before prisoner civil rights' actions can be filed.

Information needs

- Grievance procedures.
- Records of handling of all grievances.
- Statistics on types of grievance handling and their resolution.

XVIII. Discipline

Summary

Before an inmate can lose good time or be placed in isolation or administrative segregation he is entitled to a procedurally correct hearing, including advance notice of the charges, right to present evidence in his own behalf, and written reasons for the action taken against him and the evidence relied upon. Some form of assistance must be provided to illiterate inmates.

Trends

- Review of the neutrality of the hearing officer(s).
- Due process protection when minor losses are involved.
- Written rules and specific penalties must be provided every inmate.
- Appropriateness of penalty imposed, including length of time assigned to isolation.
- Review of use of inmate informants.

Information needs

- Disciplinary rules and procedures.
- All individual disciplinary reports, including statements of the evidence relied on and reasons for penalty imposed.
- Statistical breakdown of disciplinary infractions, by rule, housing unit and penalty imposed.

XIX. Race and sex discrimination

Summary

Work and rehabilitation programs and housing units must be racially integrated unless there is a rational basis for not doing so. Male and female prisoners must receive similar treatment.

Trends

- Integration of multiple occupancy cells.
- Job assignments by lot.
- Inter-racial visiting cannot be prohibited.
- Women prisoners entitled to educational and vocational training programs of a range and quality comparable to men.
- If state provides minimum security facilities, work release, etc. for male prisoners, women are entitled to similar opportunities.
- Review of privileges given to members of different ethnic groups.

Information needs

- Daily racial breakdowns for housing units.
- Monthly racial breakdowns of work and rehabilitation programs.
- Selection criteria for housing, work, and rehabilitation programs.
- Monthly breakdown of work and rehabilitation programs by sex.
- Budget expenditures for work and rehabilitation programs by institution (to show that women prisoners are getting proportional funding).

XX. Civil rights actions—administrators' defenses & liability

Summary

Prison officials will not be hold liable in prisoners' civil rights actions unless 1) the officials knew or reasonably should have known that their actions would violate the inmate's constitutional rights, or 2) the officials acted with malicious interest to cause a constitutional deprivation. Negligence or medical malpractice alone will not support a claim for damages under the Civil Rights Act (42 U.S.C. 1983).

Trends

- Attorneys' fees may be awarded to prisoners' attorneys even where prison officials were in good faith.
- Appointment of attorneys for prisoners in civil rights cases.
- Where the loss is minor, prisoners may be required to exhaust administrative remedies prior to filing civil rights action.
- Lack of financial resources is no defense to civil rights action.

Information needs

Note: Depending on the allegations contained in the lawsuit, any of the information detailed in the previous sections might be needed.

- Documentation of communications of legal developments to prison official.
- Reports on all unusual occurrences within the prison, especially those which involve possible violation of laws or institutional regulations by employees.
- Documentation of disciplinary actions taken against employees who violate inmate rights.

Chapter 4

Demand Information: State of the art

A major objective of the CDAS project involves an assessment of how demand requests are processed in the correctional community. The assessment includes a description of how the process functions and major problems encountered by correctional agencies as they attempt to respond to requests.

Literature related to demand information is sparse. The data for this assessment was, therefore, collected by a telephone survey of each correctional agency and site visits to seventeen agencies. The site visits amplified preliminary information collected by telephone and gave the project staff the opportunity to directly observe the demand information process. The staff was particularly interested in the wisdom acquired by the correctional agencies as they experienced successes and failures in demand information processing.

There are many questions which could be asked in an assessment of demand information responsiveness. Major questions addressed in this chapter include the following:

- What is the purpose of policy in the demand information process?
- What are the common procedural elements in responding to a demand information request?
- What is the impact of the inter-organizational and intra-organizational relationships on the demand information process?
- What technology is currently being used and what are the major technological obstacles in the response process?
- What are the personnel needs affecting the demand information process?

In order to present the demand information process in a manageable format, the process has been divided into five facets. These facets include (1) policy considerations, (2) procedural techniques, (3) administrative organization, (4) technological applications, and (5) personnel patterns. By examining the parts of the process the different capabilities of correctional agencies are more easily described and understood.

Policy considerations

Demand information requests have only recently emerged as a significant administrative task for corrections requiring a statement of policy for control. Most correctional agencies have recognized the problem but few have formulated policies and procedures to govern the total response process. The Oregon Division of Corrections is one agency which does have extensive written policy concerning all correctional activities including the demand information process. The existence of such policies provides consistent response throughout the agency to such questions as who has access to correctional information, what resources can the agency afford to expend on demand information requests, and what is the most effective and efficient means of response?

Many agencies recently have become painfully aware of the impact that information requests have on staff time and financial resources. Administrators of many agencies are currently reviewing the problem in an effort to develop formal policy and procedural statements which will improve the efficiency of the process and reduce the workload. For example, even though the Minnesota Department of Corrections prides itself on never turning down a request for lack of data, the agency's administrators find it necessary to formulate policy to control the influx of requests. Agencies with lesser response capabilities have even a greater need for such policy.

For some agencies, even though requests represent a significant problem, the additional task of developing policy cannot be imposed upon the already overworked administration. The Department of Correction in Tennessee has over 5,000 institutionalized inmates but no computer. The task of manually responding to a request which requires a manual check of the records is formidable. A few correctional agencies, usually those with a very small inmate population and a correspondingly small staff are either (1) forced to ignore all but the most critical requests, or (2) actually do not receive requests in sufficient numbers to be considered a problem. These agencies have not considered demand information policy a pressing need.

With the exception of Oregon, other agencies with demand information policies generally have policy statements only for two demand information concerns. These are privacy and security issues and/or communication with the media. Privacy and security regulations complicate the response process. Federal, state, local and agency regulations may all affect how an agency can respond and what information can be released. In order to insure compliance with each regulation, the correctional agency must develop policy guidelines for the dissemination of information. An excellent example of such policy is the "Criminal Justice Information—Privacy and Security Cookbook" developed by the New Mexico Criminal Justice Department.

Another common problem for which most agencies have a written policy concerns communication with the media. The trust lost by inaccurate, conflicting reports from corrections is difficult to restore. To eliminate confusion and ensure accuracy, most agencies have policy which specifies the manner in which information can be released to the media. However, one correctional administrator commented that anyone in that agency could release information to the media as long as it was the truth and did not involve population projections or budget projections for the next year. Open, free-flowing communication between the agency and the media is admirable but it has some dangers. What an administrator may believe to be the truth may in fact be incomplete or out of date, leading to the release of inaccurate information or to information which conflicts with that released by another administrator in the agency.

Written policy directing the demand information process results in response consistency. In the correctional community, however, much of the response process is informally understood by agency personnel and has evolved over time rather than having been planned. Requests are intuitively routed. The respondent may be the best qualified to answer the request or he may be simply the least busy at that moment.

Similarly, response priorities are often based on subjective judgments or past experience, rather than policy. Procedures such as these, which depend on experience and intuition, risk breaking down when key staff changes occur. Without agency policy, units within an agency may have differing or even opposing interpretations of the needs and priorities of the process. The result is inconsistent information production. Policy which specifies the response procedures is the best protection from the inefficiencies of duplicated responses and wasted time. Policy is also the best defense against charges of arbitrary and capricious action.

Procedural techniques

Procedural techniques in demand information include the mechanics of processing and the record keeping involved in producing a response. Key procedural elements for achieving control of the process and efficiency in response production are routing and logging. These two elements complement and impact each other. The effectiveness of logging depends partly upon the routing model of the requests; yet efficient routing cannot be established without a knowledge of arrivals provided by the log.

Routing

If the agency is to have control of the response process, established routing procedures are necessary. Routing increases efficiency by the systematic physical handling of the request. Duplicate requests sent to various sections of an agency are threats to the efficiency of the response process. The problem creates the irritating and costly situation of two or more staff members each devoting time and agency resources to compile the same response. Many times these duplicate requests are not discovered until requisitions for identical data from different agency sections reach the data processing department. If no routing procedures are established, then decisions must be made independently for each request.

The routing methods utilized by most correctional agencies can be summarized by the following three models: (1) consolidated request model, (2) preliminary sorting model, and (3) individualized response model. In general, these models refer to routing the external requests coming to the agency. Requests originating within the agency also require routing for efficiency but, with the requester present, miscommunication and errors are less likely to occur.

Consolidated request model

This model is a formalized method of routing requests. Requests received throughout the agency are first routed to a designated location regardless of content. After preliminary consolidation, requests are routed to the appropriate respondent. The responsibility for producing a timely response may be assigned to the respondent or may be retained by the original designated location. The latter is especially appropriate if the efforts of several different agency units are necessary to complete the request. It is not unusual for a response to require information from a combination of agency sections, i.e., administration, research, and data processing.

If the model is strictly observed, requests which are addressed to specific offices and/or personnel would be forwarded to the designated arrival location to be recorded and routed. In practice, however, if a specific question is correctly addressed to a particular individual such as a warden of an institution, he will probably answer it rather than forward it to the designated location only to have it routed back to him. Examples of designated arrival locations are the Assistant to the Director, the Public Information Office, Research Department, or Correspondence Secretary.

Advantages of the consolidated request model

- The agency maintains tight control over the demand information process.
- The dissipation of agency resources is minimized by the delegation of the response task to specific departments.
- The opportunity for recording and logging the requests is maximized.
- Duplication of response created by identical requests sent to various sectors of the agency is prevented.

Disadvantages of consolidated request model

- The model may not be practical for very small correctional agencies nor efficient for extremely large agencies whose "central" office is spread over several sites.
- The success of the model depends upon the centralization of all requests at one or two designated points. For some agencies this model is too restrictive to function within the normal operating procedures of their agency.
- The model assumes the presence of a policy which specifies a central authority which makes assignments, establishes priorities and insures the cooperation of all departments.

Several correctional agencies which practice this model or similar forms of consolidated request routing are Maryland, Massachusetts, New York, Pennsylvania, and South Carolina.

Preliminary sorting model

In this model the arrival locations are not designated until the requests are preliminarily sorted by the addressee. Requests are then routed to three or four locations according to the content of the request and/or the source of the request. Requests for policy or those from the governor or legislature are routed to the chief administrator or his assistant; inquiries which entail figures and statistics are directed to the research department; requests from the media are usually routed to the public information office even if the request requires data from other sources.

Advantages of preliminary sorting model

- The routing process in this model eliminates one step of the consolidated request model, that of initially centralizing the requests arrival.
- Many agency staff members prefer to make routing decisions individually rather than refer all requests to a central location. They believe they have sufficient information about the various tasks and functions of the agency to be able to forward requests correctly.

Disadvantages of preliminary sorting model

- Control over the demand information process is diminished by the decentralized arrival locations. There may be confusion about who has the responsibility for the response, and setting priorities.
- Knowledge of the complete scope of *ad hoc* requests for planning, budgeting and resource allocation must be compiled from various departments.
- Efficiency of the process is threatened by errors in forwarding, and by the possibility of two or more locations compiling responses for identical or similar requests.

Examples of this type of routing can be seen in the Georgia, Indiana, Florida, and Colorado correctional agencies among others. The Georgia Department of Offender Rehabilitation, for example, specifies three primary respondents: the public information office, the director of institutions, and the research and evaluation office. Inquiries are distributed to these three offices according to the subject of the inquiry and the type of response required. The Indiana Department of Correction also routes requests according to the nature of the subject, for example:

- Requests concerning the adult authority, inmate appeals, etc., are routed to the executive director.
- Requests concerning education, programs, transfers, etc. are routed to the classification and treatment director.
- Requests from the inmates and response to denials are routed to work release.
- Juvenile inquiries are routed to youth authority.
- General information requests are routed to research and statistics.

Individualized response model

In this model *ad hoc* requests are informally processed and they are generally the responsibility of the addressee. The recipient may respond directly or forward the request to another individual whom he believes is qualified to respond. Often an individual with time available or with more experience in the agency becomes the person charged with the task of compiling the response. In a small agency where several operational functions are blended into one department, the staff members may share the response task in an effort to equalize the work burden.

Advantages of individualized response model

- The individual method of response is possibly the most flexible and the most easily adapted to the various types of administrative organizations found in corrections.
- This model is common in, but not confined to, smaller agencies whose request volume does not support the need for formalized routing procedures.

Disadvantages of individualized response model

- Control and efficiency are reduced unless the agency is very small and has continuous open communication among personnel.
- The agency administrator has little opportunity to review the contents of a response or to select the respondent.
- The agency also has questionable command over the execution of the response—

whether it satisfies agency standards or conforms to agency priorities.

Logging

The log of demand information requests minimally provides a record of the receipt of the request, the subject of the request and date received. It may also include the date the response is due, the individual responsible for the response, and the data required for the response. There are several advantages which accrue to the correctional administrator when an adequate log of requests is maintained.

- As the record of *ad hoc* requests the log provides the data for all analysis, planning and evaluation of the demand information process and its impact on the correctional agency.
- The log serves as an index to past responses. Some inquiries may be answered in full or in part by data already compiled for similar requests.
- The log provides a list of the consumers of correctional information and what the topics of interest are.

The log provides the key to an analysis of demand information impact on the agency. Without a log the drain on the agency's resources from such requests cannot be identified. Plans for controlling the requests or attempts to include them in the agency's budget are nothing more than guesswork.

The log also serves as the basis of an index for demand information requests. An index allows the agency to locate past requests whose responses are reusable for similar requests. Without a log of requests and responses the administrator must treat each request as unique. Nearly every agency maintains copies of the major requests and responses, but these are usually filed chronologically by arrival date and not indexed. Use of the file depends on the memory of one or two individuals as to the existence of a similar request and its response.

As important as the logging is to the agency, it also has some disadvantages:

- Staff time and effort is required to maintain an adequate log for future use.
- To be totally effective, a log must be maintained by all recipients of inquiries.
- Requests received and answered by telephone, though numerous, are frequently brief and troublesome to record.
- Many agencies have no routing procedures established or are using routing models of preliminary sorting and individualized response which restrict log maintenance.

Logging effectiveness and expediency are closely tied to the agency's routing model. Under the first model, consolidated request model, logging is a natural accompaniment to the centralization of the requests arrival. With the two or three designated arrival locations in the preliminary sorting model, logging procedures must be carefully formulated to include all *ad hoc* requests and to insure an interchange among the locations. Comprehensive logging is very difficult with the widely dispersed arrival locations of the individual response routing model. An exception may be an extremely small agency with a self-contained staff.

Other factors, besides routing, which affect the logging procedure are agency policy and the source of the request. Agency policy may indicate that log records will be maintained at all arrival locations or, in the absence of an agency policy, a specific receiving location may have its own policy for logging requests. Examples of specific records are those kept by data processing for billing purposes, or those records of media communications maintained by the public information office insuring consistent news releases to all media. Even telephone requests from the media may be recorded. Offical requests from the governor's office or the legislature often merit recording when other sources do not.

Control of information releases

The procedural elements discussed thus far, routing and logging, have concentrated on the arrival patterns of requests to correctional agencies; however, there is also a problem with information disseminated from the agency. Responses to demand information requests are seldom subject to review or administrative control. Responses may vary widely in quality and may not conform to agency standards. It can be extremely embarrassing to the correctional agency for information to be released which is in some way inconsistent with its goals. Common problems with information releases may include:

- Violation of privacy and security regulations
- Errors
- Incomplete data
- Conflicts with other information
- Untimeliness of information.

The news media may call several members of the staff to obtain information or to obtain interpretations or comments on previously publicized information. It is not uncommon for the agency's representatives to differ in their interpretations of the data. For example, the number of inmates in an institution may be different for food service than for the administration, with numerous inmates out on work release, furlough, or for court appearances.

Some problems occur when staff members are unaware of agency policy. For example, in one agency a bureau chief's opinion (expressed to the media) regarding the location of a new facility proved to be at variance with agency policy on the location of new facilities. Another embarrassing situation occurs when the administration is ignorant of certain news releases to the media.

Monitoring each response or information release may not be practical, but standardization is needed. Clear policy statements and training for personnel could help provide this standardization. At a minimum, policy statements and training should address the following:

- Who can speak for the agency.
- Importance of and methods for verifying the accuracy of the information.
- Complete understanding of all regulations governing privacy and security.
- Compliance with agency policy and state regulations.
- Guidelines for informing administrators of information releases.

Realizing the potential for miscommunication and the serious consequences of it, several correctional agencies have delegated certain critical information functions to specific offices or individuals. Legislative liaison and media contact are the most commonly recognized communications positions. Of the 17 agencies visited, approximately 60 percent had identified public information officers and approximately 25 percent had the position of legislative liaison. The California Department of Corrections, Virginia Department of Corrections, and the Federal Bureau of Prisons have both positions (Congressional liaison in the case of the latter). Whether or not an agency has a full-time legislative liaison may be partly a function of the calendar of the state legislature. If the legislature meets for a specified number of days every other year, a full-time liaison position may not be justified. Other agencies may have specified certain individuals to be responsible for those functions when the need arises, but, their usual position within the agency may be researcher, administrative assistant, etc.

Administrative organization

The administrative relationship between the correctional agency and state government and the relationship of the correctional agency to its data processing facility raises some questions concerning the impact of these relationships upon the demand information process.

- Is an agency more responsive to demand information requests if it is (1) operating under the umbrella of another department or (2) operating as a separate department in the state government?
- Is an agency more responsive to demand information requests if the data processing service is (1) totally in-house, (2) shared but with no limits on access, or (3) shared but with limits on access?

Many correctional agencies are administered under the umbrella of another department. Is the agency's ability to respond to *ad hoc* requests impeded by this administrative organization? Divisional agencies were compared to departmental agencies on the technical and personnel obstacles to demand information processing. No appreciable differences between the two forms of organization were detected. Apparently the responsiveness of the agency is internally based.

The organizational relationship between the correctional agency and its data processing service was defined as: (1) totally in-house, (2) shared but no access limitations, or (3) shared with access restrictions. Access to data processing was found to be a factor affecting the response capability of an agency (see Table 4.1). Access restrictions included such problems as no programmers and/or system analysts within the agency, no interactive terminals within the agency, communication difficulties due to the remoteness of the information system from corrections, and the high costs in time and money for using the system. The in-house system is assumed to have no access limitations, although there are a few instances of inter-departmental problems which have restricted the use of the information system in some specific situations.

The idea of a shared central computer for state agencies was originally intended to streamline data processing use within the state. In the 1960s when the potential applications of automated data processing were realized, many state agencies wanted their own computer. The cost and the diversity of data processing installations proved so great that centralized data processing facilities were established to increase efficiency and to coordinate the data processing activities of various departments. Many states' regulations prohibited departments and agencies from purchasing or utilizing any computer other than the designated central state computer.

The centralized computer concept, which was originally an economy measure, now increases the cost and decreases the effectiveness of data processing for some correctional agencies. There are several reasons for this development.

- The price of computer hardware has decreased to such an extent that the purchase of a computer is no longer beyond the budgets of many agencies.
- The capacities of automated systems have increased so that some agencies can operate effectively with a minicomputer, further decreasing the purchase price.
- The cost of programming and software has increased. Agencies which are restricted to the state data center for their programming and systems work are also restricted from entering competitive markets for their programming needs.
- When the central computer breaks down, all agencies sharing the facility are affected.
- Many state data centers have become overloaded as computerized information has multiplied for each of the agencies involved. Turnaround time from the data center increases as efficiency decreases.
- As agencies have turned more of their operations over to automated systems, programming needs have become more sophisticated. There is a greater demand for technically trained personnel which increases the cost and may further delay the turn around time.

Table 4.1
Comparison of the access to information systems with the percentage use of automation in responding to *ad hoc* requests

Percentage Use	Access			
	In-house	Shared, no limitations	Shared with limitations	Manual
High	4	11	2	0
Moderate	3	4	5	0
Occasional	1	1	7	0
None	1	1	3	9
Totals	9	17	17	9

- Most agencies prefer on-line capability to directly update and manipulate their data bases. Interactive terminals within the correctional agency connected to the state data center may be very expensive or may not be possible at all depending on the relative location of the agency and the center.
- If a correctional agency operates through a central data center and has no technical personnel within the agency to assist with systems planning and programming, communications between the agency and the center may decline. Agency personnel may not know data processing requirements, and center personnel may not understand corrections' particular needs. Requests and printouts must be transmitted and/or transported between locations; errors are much more likely, and turnaround time is again increased.
- Turnover is very high and state data center personnel are often inexperienced.
- Priorities in a state data center usually place the state's administrative functions ahead of corrections' needs.
- Correctional agencies with several institutions may find that distributive processing (each institution with a minicomputer connected to the central office) is more effective. Each institution then has immediate access to data for determining work assignments, counts, etc., and in the event of technical problems affecting the telephone lines (connecting the institutions with the central office), the on-site usages of data processing can continue.

Agencies who reported access limitations to data processing also reported a much lower percentage use of automation in responding to *ad hoc* requests compared with agencies whose information systems were in-house or agencies with no access problems. Agencies with access limitations also reported more technical obstacles in demand information processing than do other agencies. Table 4.1 illustrates the relationship between access to and use of automation.

Technology

The ability of a correctional agency to respond to demand information requests depends a great deal upon the technological capacity of the agency's automated data processing system. The correctional agencies chosen for site visits exhibited varying degrees of technological capability.

Technological capacity of an agency was categorized according to: (1) hardware, (2) software, and (3) agency data base. The study revealed a number of obstacles, particularly with respect to data base and software which limited the response capability of automated information systems. The following discussion will include the major technological obstacles encountered by the correctional community.

Hardware

The limitations of the computer hardware appear to be whether or not the agency has a computer. The size of the computer or who manufactured it was not reported as a technological restriction in the demand information process.

At the time the data were collected, nine correctional agencies had manual information systems. The status of several of the manual systems is changing. The Wyoming State Board of Charities and Reform expected to be utilizing the state central data processing facilities by mid-1980. The New Hampshire Department of Prisons and the South Dakota State Board of Charities and Corrections are planning the implementation of the Offender-Based State Corrections Information Systems (OBSCIS). Kansas, also an OBSCIS member, became operational with an IBM 34 (mini) in July, 1979. Nevada Parole Commission is a member of the OBSCIS system but has no automated inmate information system.

Software

Slightly more than 20 percent of correctional agencies report programming limitations which restrict the agency's ability to produce *ad hoc* information. The actual percentages of agencies with inadequate software may be larger because symptoms of that problem include an overworked staff and unanswered requests for information. Many administrators and staff, not recognizing what appropriate programming can do for the agency, believe the difficulty to be inadequate staffing.

The most common software need for corrections is analytical programming; however, the statistical requirements for most output reports is not complicated. Cross-tabulation of two or three factors is most frequently requested, but even this simple statistical analysis can present a problem. If the agency writes its own statistical programs, the benefit is custom-tailored software, but the price is highly trained personnel with time to design new programs and modify existing ones. Correctional agencies typically report a shortage of technically trained personnel so if special programming is required to respond to each request, the result can be no output at all from data processing or output that is so long in production that its usefulness has evaporated.

Other agencies purchase proprietary packages in order to have analytical capability. The most popular statistical packages include SPSS, with 30 correctional agencies reporting access to it, and SAS with 5 agencies reporting access. When an agency reports the availability of analytical packages, it is misleading to assume that the agency does in fact have *easy access* to the package or makes use of its analytical ability. Thirty-four correctional agencies report the availability of analytical packages (such as SPSS, SAS, Data Analyzer), but fully 50 percent of those agencies have difficulty using the software. There are several reasons for this.

- The analytical software package is housed on a different computer from that which stores the correctional data base. The computers may be adjacent in a state data center but have no interface so that a tape of the data must be made and transferred to the second computer.
- The computer with the analytical packages available may be in another location blocks or miles away, adding transportation to the problem.
- The issue of privacy and security must be considered when transporting correctional data to other computers. Correctional agencies frequently report a university as their source of analytical capability but, without computer security, identifiers must be stripped from the data.
- The corrections data base may have a structure which does not permit the direct application of analytical programming. For example, many correctional files are hierarchical, but SPSS can process only flat files. In these instances, the data must be modified to permit the use of the analytical package.
- The use of such packages requires trained personnel. The correctional agency may not have skilled staff experienced in the software application even if the agency has direct access to the package. The problem is more acute when the corrections agency must rely on the availability of knowledgeable staff in other agencies or the state data center.
- Packages are generally expensive to operate. To run an SPSS program against an entire data base consumes a great deal of CPU time. Two hundred to four hundred dollars per run was a common estimate for a single SPSS application.

A few administrators are forced to take exceptional measures to obtain statistical information for their agencies. In an attempt to develop a substitute for SPSS, the Ohio Department of Rehabilitation and Corrections has developed two programs—an Extract program and a CrossTab program. With these two programs, the agency can extract and compare variables required in demand information requests. These two programs more efficiently satisfy most of the agency's statistical needs than the SPSS package which, although available, is on a separate computer in the state data center.

The Missouri Division of Corrections also has difficulty utilizing statistical packages. When this agency requires statistical output, the programming must be modified and punched on cards in order to be received by the computer with analytical capability. In Maryland, the Department of Public Safety and Correctional Services must also rework its programs, strip the identifiers from the data, copy to tape and take it to a university. At least two agencies admitted to enrolling staff members in local universities as a means of gaining access to university computers and analytical software. Louisiana Department of Corrections and Alabama Board of Corrections both report access to SPSS but Louisiana has no individual yet trained to use the package. In Alabama, the package and the trained personnel are located in the Statistical Analysis Center.

One concludes that practical statistical analysis is a serious problem for many correctional agencies. The extra time and expense required to take advantage of statistical packages can significantly restrict the use of those resources. Those few requests which merit the extra effort involved in using a statistical package may include a request from the legislature which impacts the agency's budget, or requests from the attorney general who is assisting in the legal defense of the agency.

In addition to statistical analysis, another software need of correctional agencies is software which can generate a report directly for a consumer. Many agencies must decode the computerized output to make it meaningful to non-technical personnel. There is technology available—report generation—which can reformat the coded output to make it intelligible for the layman. An example of a report generator now in use in approximately eight correctional agencies is MARK IV, a package developed by Informatics, Inc. The Virginia Department of Corrections in particular is effectively using MARK IV. Another report generator is Easytrieve, a product of Pansophic Systems, Inc. Easytrieve is used by approximately eight correctional agencies, including Oregon and Nebraska.

Agency data base

Data base obstacles to the demand information process are primarily incomplete records and errors in the data. If the errors are in the data before the agency receives it, then, obviously, there is very little that the agency can do about it. However, errors can occur in the collection stage at admissions. Errors can also occur during data entry. Accurate recording and coding of the data during data entry is critical.

Errors and incomplete data significantly reduce the reliability of the information. Users lose faith in the information system. The loss of confidence by the staff compounds the problem of obtaining complete and accurate data. Correcting errors already in the data base with a disillusioned staff is a formidable task which several correctional agencies have faced. Of the agencies visited, the Oregon Division is one which has had some success in revitalizing their data base. The Ohio Department of Corrections is currently conducting a similar "cleaning" of their data base.

Personnel

Personnel limitations reported by correctional agencies are categorized as an insufficient number of staff (10 agencies) and, inadequacies in the management of the demand information process (10 agencies). Thirty-two agencies reported no personnel problems.

The complaint of insufficient staff may also be a symptom of inadequate technology, especially in software applications. If a staff member must manually go through inmate records to obtain the data, the agency may report that there is insufficient staff to process the request. Many *ad hoc* requests which require minor computations effort are monumental tasks for agencies with a manual information system. For example, consider the question of how many inmates convicted of drug-related offenses are veterans. If the data elements of veteran status and offense are computerized, the response is a simple comparison of the two.

Even though technology may relieve some staff shortages, the problem of limited qualified and experienced personnel is very real in the correctional community. Correctional agencies are handicapped in offering competitive technical and administrative positions. Although administrative offices may be in a major city, institutions are frequently located in rural areas away from the larger urban labor pool. Pay is regulated by the state government and may not be competitive with similar positions in private business or industry. Frequent turnover further compounds the problem of insufficient agency staff. Correctional agencies frequently have technology which is temporarily unused due to lack of trained staff. Formal training relating to information processing is lacking for correctional personnel. Training for new staff is seldom provided. Newly hired staff founder by trial and error or they attempt to learn from already overworked senior personnel.

State regulations may prohibit paying two persons for one position so a departing employee may not train a new employee even for a short time since both cannot be paid simultaneosuly. Frequent turnover defeats most training efforts. The Department of Corrections in Connecticut has particularly tough competition for computer programmers from the many insurance companies based in that state. An individual with little or no programming experience can obtain a job in corrections and acquire experience which qualifies him for a better paying position with the insurance companies.

Management of an information system is difficult. To function successfully the system must be the result of a coordinated effort of all sections of the correctional agency. To ensure this coordinated effort, each section must be included in the planning and evaluation of the information system. Too many administrators just view the computerized output and believe they are seeing the total information system when actually there are many steps to the information process. The responsibility for these processing steps, ranging from data collection to information dissemination, is spread over various departments of the agency complicating the job of overall coordination.

The distance between data collection and data dissemination, besides complicating the coordination of the information process, also reduces the communication between the locations. Misunderstanding and even resentment among the sections of the agency may result. There are several problems which contribute to the discord of the information system. Field personnel seldom see applications of the data which they collect and if no reinforcement is provided for accurate and complete data collection, the input is likely to become perfunctory. Research staff and other agency personnel frequently request additional data not realizing the staff effort required to gather the information. Some data collection forms are revised so often that neither the field personnel filling them out nor the data entry personnel have the opportunity to become familiar with the forms. The opposite may occur with the continued use of a form that is outdated and inappropriate.

The administrator must recognize his obligation to provide the necessary leadership and supervision for the information system. The correctional administrator may have some difficulty fulfilling his role as leader because of the technical processes involved in the information system. Most correctional administrators have social science/corrections backgrounds. They may not have been exposed to the technological language of data processing or they may not understand particular capabilities or limitations of a computerized system. As a result these administrators may incorrectly blame the state data center or others for errors which result from poor internal coordination.

The advent of automated information systems in the correctional community brings more than faster and easier clerical reporting. Automation offers the potential of completely new strategies for dealing with problems and for improving the operation of correctional facilities. With computers the techniques of simulation, linear programming, PERT (program evaluation review techniques), and advanced statistics are among the new tools available for corrections. An administrator unacquainted with novel solutions made possible by automation has difficulty escaping the traditional bounds of problem-solving. These administrators fail to understand the power of the computer to transcend conventional uses of information and they may react in one of the following ways.

- The computerized system is forced to fit the scope and format of traditional reporting systems.
- Data collection and report production is multiplied in terms of quantity of data, not quality of information.

Some administrators mistrust the automated system and insist that manual records be maintained to duplicate the information. Other administrators, in an effort to take advantage of the reported capacity of the computer, confuse the quantity of the data collected with the benefit of the information produced. Unfortunately, the planning and careful consideration of which data elements and which reports are necessary may be omitted. The data processing system can consume agency resources to a far greater extent than it benefits the agency. Reports can inundate an agency and never be read.

It is interesting to note that problems in the correctional community concerning the automated data processing system are not unique to corrections. J. Rose in *The Cybernetic Revolution*[1] reports pitfalls of automated data processing for business and industry which are nearly identical to those in corrections. Most of Rose's observations relate to management and personnel and include the following:

- Lack of understanding of the role of A.D.P. in a modern company
  - —a computer is purchased for status
  - —personnel believe their job security is threatened
  - —ignorance as to the computer's potential
- Concentration on computer hardware without adequate consideration of
  - —the software
  - —the design of the system
  - —servicing of the installation
  - —periodic review of the costs
  - —proper staffing
- Lack of leadership and knowledge among those responsible for systems and computers
- Inadequate definition of the duties
- Weak staffing of the computer installation
- Overemphasis on accounting types of applications at the expense of other vital functions
- Lack of consideration for the human element in ADP
- Imbalance between supply and demand of competent personnel
- Frequent lack of cooperation, sometimes outright hostility between management and those manning the computer installation.

Quantitative analysis of processing capabilities

The first section of the chapter reviewed the demand information capabilities of the seventeen correctional agencies visited by the project staff. The diversity of the strengths and weaknesses is not unexpected given the variability among the systems which comprise the American correctional community. This diversity of ability does, however, raise some obvious questions concerning the relationship between the demand information processing capability of an agency and certain of its institutional characteristics. For example, do larger institutions have more obstacles in demand information process than do smaller ones? Do members of the OBSCIS community (Offender Based State Corrections Information System) have fewer response problems than those agencies using other informations systems?

To answer questions of this nature various hypotheses were proposed concerning the relationship between the response capability of an agency and other institutional characteristics. Analyses were performed on the fifty-two correctional agencies included in the study. For a review of the frequency distribution of various agency characteristics see Appendix C.

The characteristics analyzed in this chapter include:

- Population
- OBSCIS membership
- Use of automation in response process.

Population

The index of inmate population size was the number of institutionalized adult males reported in the 1979 edition of the *American Correctional Association Directory*. The number of adult males was selected as the index of the inmate population for several reasons:

- Some correctional agencies are responsible for juveniles as well as adults.
- Some agencies must supervise community corrections as well as institutions.
- The few women incarcerated do not represent a significant portion of the total population.

Agencies were classified as small, medium, large, and very large according to the following populations:

Small = less than 1000 (13 agencies)
Medium = between 1000-3000 (14 agencies)
Large = between 3000-10,000 (15 agencies)
Very large = over 10,000 (10 agencies).

The results suggest that population size does not appear to be a major obstacle in the demand information process; however, there is a relationship between the size of the agency and the technological obstacles in accessing the automated information system of the agency. All agencies experience difficulties with data base and system problems but medium and large agencies report more limitations in programming (see Table 4.2). The increased size of the agency may indicate a need for additional software capability, which the very large agencies have already obtained.

Table 4.2
Size of population compared with technological obstacles

Size of agency	None	Data base or systems problems	Programming	Automation needed	Totals
	Technological obstacles				
Small	5	5	1	2	13
Medium	5	4	3	2	14
Large	2	3	7	3	15
Very large	6	4	0	0	10
Total	18	16	11	7	52

Personnel obstacles, particularly the complaint of insufficient staff, appeared more often in large agencies than in other agencies. This complaint may be the result of programming limitations reported by these agencies. Administrators in these agencies may feel the need for more staff in order to accomplish manually what their software is failing to provide. Table 4.3 shows that training and management needs appeared to be equally divided among agencies of different sizes.

Table 4.3
Size of population compared with personnel obstacles

Size of agency	None	Training and management	Insufficient staff	Totals
	Personnel obstacles			
Small	10	2	1	13
Medium	9	3	2	14
Large	7	3	5	15
Very large	6	2	2	10
Totals	32	10	10	52

OBSCIS membership

Membership in the OBSCIS community does not appear to solve all of the technological problems involved in producing responses to *ad hoc* inquiries. Some readers may be surprised by this apparent deficiency in the OBSCIS system because the technological potential of OBSCIS is well known. However, it should be noted that OBSCIS is designed as an operational reporting system and is not designed for producing nonstandard reports or statistical applications. If an agency implements all eight modules of the OBSCIS package, many responses to demand information requests would be available, but the responses would come from standard reports, not from special data manipulations. In addition the reader should note that the full potential of OBSCIS technological advances is yet to be realized by many correctional agencies. Nearly one-third of the OBSCIS states are still in developmental stages and not yet fully operational. OBSCIS agencies with only the Basic OBSCIS (admissions, movement, national reporting) are very limited in responding to *ad hoc* requests.

Of the 16 correctional agencies who reported technical obstacles with their data bases or system structures, 11 were members of OBSCIS (6 operational and 5 in developmental stages). Of the 11 agencies who reported programming limitations, 9 were OBSCIS members (6 operational, 3 developmental) (see Table 4.4).

Table 4.4
OBSCIS memberships and technological obstacles

Technological obstacles	Operational	Developmental	No
	OBSCIS Member		
None	9	4	5
Data base or systems problems	6	5	5
Programming	6	3	2
Automation Needed	1	0	6
Totals	22	12	18

Use of automation in response process

One question raised in the study involves the extent to which automated information systems are utilized in responding to demand information requests. During the telephone survey, corrections personnel estimated how many of the responses to *ad hoc* requests were supplied by automated systems (either from special computer runs or from available reports which had been produced from the automated system). These estimates are understandably rough but they do indicate the importance of data processing in the response process.

It is not surprising that the use of automation appears to be related to the existence of analytical software in the agency. Agencies with statistical packages or in-house statistical programming use automated systems more than do agencies without this capability. This relationship is presented in Table 4.5.

Table 4.5
Software and the use of automation for response

Use of automation	*Existence of software* Yes	No
High: more than 70%	17	0
Moderate: 30%–70%	10	2
Occasional: less than 30%	7	2
None	1	13
Totals	35	17

Agencies whose access to data processing facilities is not restricted use more automation in the response process than do agencies who have access limitations. Access problems greatly reduce the use of data processing in the demand information process (see Table 4.6).

A strong relationship exists between information system access and technological obstacles. Agencies reporting no technological obstacles appeared to be those with in-house data processing or those with no access limitations to a shared information system. Of the 18 agencies reporting no technological obstacles in their automated system, only two agencies shared data processing facilities and had access limitations.

Table 4.6
Information system access and use of automation

Use of automation	Access			
	In-house access limitations	Shared: no access limitations	Shared: with limitations	Manual system
High: greater than 70%	4	11	2	0
Moderate: 30–70%	3	4	5	0
Occasional: less than 30%	1	1	7	0
None	0	1	3	10
Totals	8	17	17	10

Summary

The results of this assessment show the state of the art of demand information processing to be one of change and diversity throughout the correctional community. The response process is rapidly evolving as correctional agencies are recognizing and attempting to solve the problems created by demand information requests. For purposes of organization and to insure a thorough assessment, the demand information process was examined according to the major factors which impact the process. These factors include policy, procedure, administrative organization, technology, and personnel. The major findings in each area are as follows:

Policy

Very few correctional agencies have policy governing the complete demand information process.

Policy is a critical element in establishing consistent agency response. Policy documents the agency's commitment to regulations and standards. It also provides guidelines for the role of staff and administration in the response process.

Procedure

The key elements to procedural control of the response are adequate logging and routing of requests.

Log records furnish the correctional administrator with data regarding the number and kind of requests which the agency receives. The records also serve as indicators of the resources used in the response process. Routing the requests to an appropriate respondent allows for control of information dissemination, eliminates duplicate response efforts, minimizes the dissipation of agency resources and in general fosters greater efficiency.

Administrative organization

A shared data processing system can increase costs and decrease effectiveness of automation for some agencies.

Correctional agencies sharing computer facilities may experience limitations in access and use of the system. Those agencies with access limitations are forced to reduce their use of automation in demand information processing, and generally face more technological obstacles when the system is utilized.

Technology

Demand information processing in corrections is hindered by a lack of analytical software and by deficiencies in the agency's data base.

Many agencies lack adequate programming or easy access to the software available elsewhere in the state system. Of some 34 correctional agencies reporting the availability of analytical software, approximately 50 percent must make special arrangements to actually use the software. The data base file structure may prevent the application of some types of software and limit the exploitability of the automated system. The data base may contain errors and omissions rendering it unreliable for producing information.

Personnel

Personnel limitations affecting the demand information process include: (1) lack of trained personnel, (2) lack of formal training provided by the correctional agency, and (3) lack of coordination in the management of the automated information system.

Some reported personnel shortages could be alleviated if the agency had more and easier access to technology. Other shortages are caused by the rapid turnover of technical personnel in corrections and the absence of formal training for personnel in the agency.

A successful automated information system requires the coordinated effort of nearly all sections of the correctional agency. Supervision of the system is difficult because (1) the input and output of the system are removed from each other and, (2) because most correctional managers are not familiar with the technical abilities and limitations of system.

Reference

[1] Rose, J. *The Cybernetic Revolution.* New York: Barnes & Noble, 1974.

Chapter 5

Report generation and analysis technology*

The information collected in the telephone survey and site visits revealed that even though a majority of correctional agencies do have some automated capability, the systems were developed to provide routine reports only and are less than responsive to demand information requests. These information systems tend to be inflexible when presented with *ad hoc* or demand information inquiries due to a variety of reasons.

The most common constraints include:
- The data base configuration does not meet input specifications of proprietary packages.
- The data processing personnel are unfamiliar with the use of statistical software packages.
- Personnel or funds are unavailable for writing special programs to answer each demand information request.

Many demand information requests are for lists of a subset of the population, identifying those individuals meeting a variety of changing parameters or characteristics. Other requests require some single statistical manipulation usually far less sophisticated than the range of functions available on many commercial proprietary packages. Data processing personnel frequently have neither the time nor the statistical expertise to write from scratch programs to produce these statistical manipulations on such an *ad hoc* basis. Over the past few years much money has been spent to develop sophisticated information systems that are largely unresponsive to the changing, *ad hoc* demands for specific information. This is primarily due to data base configurations and software requirements rather than the selection of data elements. Figure 5.1 illustrates a solution.

The state of the art in analysis and report generation technology indicates that the purchase and use of commercial or proprietary packages is more cost effective than having a special program written for each special report required.

This chapter presents an assessment of computer software relevant to the demand information data processing requirements of correctional agencies. The issues and problems of software development are ones that are, perhaps, on the agendas of most EDP managers. Correctional decisionmakers—besieged by demands for information about inmates, prisons, costs, effectiveness of programs and efficiency of operations—demand data from their analysts and programmers. Typically, the information required either does not exist or exists in a form which is difficult, if not impossible, to use. The software considered in this chapter has either been used by a state correctional agency or, based on their attributes, should be considered for use. This includes software packages which have been found satisfactory in the development, maintenance and analysis of correctional bases and in generating reports that are responsive to the decisionmaker's needs.

The purpose of the chapter is to describe the relative attributes of selected software packages which appear to meet the requirements of demand information requests submitted to correctional agencies. These software packages, both report generation packages and statistical analysis packages, are compared with respect to correctional needs and assessed as to their transferability and utility.

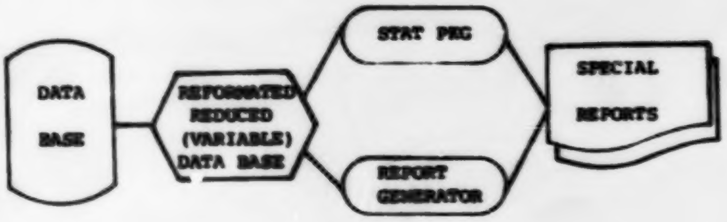

Figure 5.1. Data base/software interface

The principal objectives of this analysis of existing report generation and statistical software were to:
- Identify software currently on the market which meets correctional criteria.
- Perform a comparative analysis of report generation software.
- Perform a comparative analysis of statistical analysis software.

The first section is an overview of the specific software assessed in this study. A typology of software is used to organize the software packages described. This section also summarizes software packages used by state correctional agencies.

The next section focuses on a comparison of selected report generator packages, while the third section compares selected general-purpose statistical packages. Assessment criteria are specified and the major advantages and disadvantages of each package are discussed.

In preparing this study of report generation and statistical software, Susan Wooldridge's excellent guide entitled *Software Selection* was most useful.[1] It contains a step-by-step discussion of the process of acquiring software in a nontechnical and easy-to-follow manner. The development of the report generator section is based, in part, on the surveys and reports published by the DataPro Research Corporation.[2] Their feature report entitled "User Ratings of Proprietary Software" is based on user ratings of over 1900 software packages. The section on Statistical Packages drew heavily on the report of Ivor Francis entitled *A Comparative Review of Statistical Software*.[3] Francis presents a comprehensive assessment of 45 statistical packages. This report is a sourcebook on statistical software capabilities replete with sample output from each of the packages and an excellent bibliography.

Available software

Over the past decade the computer environment and market has been one of the most volatile and difficult to administer in the public sector. Results have not kept pace with the funds spent for development and maintenance.

Battle stories of enormous investments without results abound. Many of the problems in the past centered on hardware. However, computer hardware has steadily improved in quality, reliability and, generally, decreased in cost. Software problems have been at the core of many stories of abandoned systems—the failure of programs to meet expectations, new applications not available when promised, insufficient program documentation, insufficient resources for programming needs. While many of these issues have been dealt with, projections of future data processing costs invariably point to the escalating price of software development and programming, generally, as a major issue confronting the EDP manager. For example, in a statewide survey of local governments in Massachusetts, software expenditures increased by over 175 percent between 1976 and 1978 compared to an increase in hardware expenditures of only 20 percent.[4]

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* Much of the material presented in this chapter was prepared by Seth I. Hirshorn, Ph.D., Associate Professor, Interdisciplinary Studies, Public Administration, University of Michigan, Dearborn.

Table 5.1
Typology of software packages

Operating support programs	
1. Operating systems	
—IBM	OS, DOS (Operating System, Disk Operating System)
—Burroughs	MCP, NDL, MCS (Master Control Program, Network Definition Language, Message Control System)
—CDC	NOS, KRONOS (Network Operating System, Time-sharing option named for Greek god of Time)
2. Compilers	
—FORTRAN	(Formula Translator)
—COBOL	(COmmon Business Oriented Language)
—BASIC	(Beginners All-purpose Symbolic Instruction Code)
—RPG	(Report Program Generator)
3. Assemblers	
Programmer aids	
1. Debugging aids	
—Burroughs	CANDE (Command AND Edit language
2. Flowcharting programmers	
3. Documentation aids	
4. JCL generators	
Utilities	
1. File and Record Handling	
2. Output Production	
Generalized file processors	
1. Data base management systems	
—Cullinane	IDMS (Integrated Data Management System)
—Burroughs	DMS II (Data Management System II)
—IBM	IMS (Information Management System)
—UNIVAC	DMS 1100 (Data Management System for 1100 Series Computers)
—Software Ag	ADABAS
2. Report generators	
—Informatics	MARK IV
—Pansophic	Easytrieve
—Burroughs	Reporter II
—Program Products	Data Analyzer
—Applications Software	ASI-ST
Application software	
1. Statistical packages	
—SPSS, Inc.	SPSS (Statistical Package for Social Sciences)
—SAS Institute	SAS (Statistical Analysis System
—Burroughs	[illegible]
—UCLA (Univ. of Calif. at Los Angeles)	BMDP (Bio-Medical Programs)
2. Other Application software	

Source: Adapted from Susan Wooldridge, *Software Selection* (Philadelphia: Auerbach Publishers, 1973), pp. 3–10.

In this section an overview of proprietary software packages is presented. This overview is organized into two parts. First, the general categories of software are defined, and the report generators and statistical packages currently in use in correctional agencies are identified. Second, lists of the report generators and statistical packages, some of which are examined in depth in specific sections of this chapter, are presented.

To facilitate the discussion, Table 5.1 presents a typology of software based on the software's generality of use. This typology follows the categorization developed in *Software Selection* by Wooldridge. While it is not comprehensive, it gives some examples for each category.

Operating support programs are machine-oriented and are frequently referred to as "system software." These include the widely known and used operating systems developed by computer manufacturers such as IBM's OS and DOS and CDC's NOS. Compilers for Fortran, Cobol and other programming languages are a second type of operating support program. A second category of software is designed specifically to aid the programmer in performing such tasks as editing and documenting programs. Utility programs are a third type of software. They support data handling such as performing sorts and merges of files, producing output, and provide support to a wide range of applications.

The fourth type of software is divided into two major groups: (1) data base management systems (DBMS) and (2) report generators. DBMS are comprehensive software systems designed to construct, maintain and access a data base. Examples of DBMS include IDMS, ADABAS and IMS. Report generators differ primarily in their functional scope from DBMS. Most report generators are capable of handling single files, while DBMS manages an entire data base that may consist of over a hundred files. As will be described in a later section, however, many report generators are, today, fully capable of many common data base management tasks in addition to providing a full range of report production features. Examples of frequently used report generators are Mark IV, Culprit, and Easytrieve. Most of these systems have been specifically developed for business environments and for IBM compatible hardware. While most hardware vendors have developed their own report generators, e.g., Burroughs' 'Reporter,' there are a number of packages developed and marketed by software vendors, e.g., Dylakor Software Systems' Dyl-260. Exhibit D is a list of such packages, including the company name and address.

The last software category involves all general purpose application software and, specifically, the software packages used for statistical analysis. These include such packages as the Statistical Package for the Social Sciences (SPSS) and the Biomedical Data Package (BMD). Exhibit E is a list of such statistical packages. This list also includes the vendor of the package to contact for further information. Most of these statistical packages were developed in a university environment, are well documented, and have proven capabilities. While they vary in terms of functional emphasis, most have a wide range of data analytic capabilities. Some of these systems are interactive, e.g., SCSS, MINITAB II and SAS 7.5, but most are batch-oriented. In preparing Exhibits A and B many quality systems were excluded. The choices made were based on considerations of the needs of EDP and research staffs in corrections, reported capabilities of the software, prior software assessment results and availability of the package.

The telephone survey of state departments of corrections reveals that 30 percent use a report generator and that Easytrieve and Mark IV are preferred (see Tables 5.2 and 5.3). In contrast, 65 percent have access to statistical packages with SPSS the most frequently used, although less than half actually use the package. Most departments still rely heavily on custom programming for their report generation needs because data base configuration is incompatible with packages; a package is housed in a different computer; personnel are not trained in the use of the package; or there are insufficient personnel. Only 10 of the 50 states reported no automation.

Part of the explanation for the wide availability of SPSS is its use in undergraduate curriculums around the country and the excellent documentation and user's guides available. Another factor contributing to its widespread use is its compatibility with most hardware environments and its comparative ease of use. The telephone survey data indicate that, in terms of level of development, most state correctional agencies have yet to automate fully their data base and that important software decisions are ahead. The following discussion of report generators and statistical packages may guide the administrators' discussions in terms of the capabilities sought as well as provide information on the characteristics of some of the leading packages.

Report generators

The name given to software packages designed to produce formatted *ad hoc* reports from a data base with minimal instruction is "report generator." These software packages have been developed to allow nontechnical access to computerized files. They are highly sophisticated languages with detailed file descriptions which, after being

Table 5.2
Software packages available, departments of corrections, by jurisdiction, 1979

State	RG	Stat pack	Custom	No EDP	No information
Alabama		SPSS*	X		
Alaska	Easytrieve	SPSS			X
Arizona		SPSS			
Arkansas		SPSS*	X		
California	MARK IV*/ADABAS	SPSS*	X		
Colorado	QRW/QLP	SPSS*	X		
Connecticut	Easytrieve	SPSS (at Univ.)			
Delaware				X	
D.C.			X		
Florida	MARK IV	SPSS	X		
Georgia	Golden Retriever				
Hawaii	MARK IV	SAS/Cross tabs	X		
Idaho			X		
Illinois	Easytrieve	SPSS*	X		
Indiana				X	
Iowa		SPSS			
Kansas			X		
Kentucky	MARK IV	SPSS	X		
Louisiana		SAS/SPSS*	X		
Maine	Easytrieve	SPSS*/IQ SCORE	X		
Maryland			X		
Massachusetts		SPSS	X		
Michigan	Reporter		X		
Minnesota	Asi-st	SPSS	X		
Mississippi	Golden Retriever	SPSS, SAS, MINI-TAB	X		
Missouri		SPSS*			
Montana	Culprit/MARK IV	SPSS/BMD/TPL			
Nebraska	Easytrieve	SPSS			
Nevada				X	
New Hampshire				X	
New Jersey	MARK IV/DYL 260				
New Mexico	Easytrieve	SPSS			
New York		SPSS	X		
North Carolina		SAS (at Univ.)	X		
North Dakota				X	
Ohio		SPSS*/CROSS-TABS			
Oklahoma		SAS/SPSS* (at Univ.)	X		
Oregon	Easytrieve	SPSS			
Pennsylvania			X		
Rhode Island				X	
South Carolina		SAS/SPSS	X		
South Dakota				X	
Tennessee				X	
Texas	Data Analyzer		X		
Utah		SPSS	X		
Virginia	MARK IV	SPSS			
Vermont			X		
Washington	RPG	SPSS	X		
West Virginia				X	
Wisconsin	RPG/MARK IV	SPSS*WISTAB	X		
Wyoming				X	
Federal Bureau	Easytrieve	SAS/SPSS/BMDP Data Text	X		

* Restricted access or unable to use.

Table 5.3
Software packages available or in use, departments of corrections, 11/79

Report generators	*N*		*Percent of 52*	
• MARK IV	8		15%	
• Easytrieve	8		15%	
• Golden Retriever	2		4%	
• Others	8		15%	
	26			
STAT packages			*Percent of 52*	
• SPSS	30	15*	58%	29%*
• SAS	6		12%	
• Others	6		12%	
	42			
			Percent of 52	
No automation	10		19%	

* In use
Source: See Table 5.2.

established by data processing technicians and catalogued in a computer library, would allow personnel other than computer programmers or analysts to request and run special retrieval programs using their own inquiry parameters. Report generators also serve as work horses to enable data processing technical personnel to produce more special request reports in much less time than custom programming.

A report generator is especially useful to correctional agencies in that it facilitates use of established data bases, reduces time to prepare special reports making nonstandard information available to administrators on a more timely basis. Frequently, statisticians, research analysts and assistants can, with little training, use these packages freeing data-processing technicians for new development. The use of such a package can also allow an agency access to its computerized records when there are no technical personnel available within the agency and the use can reduce cost where all access must be through a centralized data processing department on an hourly billable basis.

There has been an enormous growth in number and quality of report generators over the past few years, as well as an emerging consensus as to the criteria by which they may be evaluated. One measure of the consensus is the increasing similarities in performance of the packages. The criteria in Exhibit A were developed by (1) reviewing the literature on this technology for capability statements and evaluative criteria; (2) interviewing EDP and research personnel in several correctional agencies to identify a basic set of requirements; and (3) interviews with software developers. The State of Minnesota, Information Systems Division, developed a similar set of requirements for a report generator as part of their process for selecting a new software package for statewide use in 1977. Their product was especially useful in suggesting a format and specific criteria.

The criteria are divided into six main groups: (1) file creation and management; (2) programming; (3) analytic capabilities; (4) output; (5) training and support; and (6) acquisition and costs. Most of the specific criteria in each group are stated as a standard of minimum performance; e.g., it should be able to handle up to 10 input files (Exhibit A, Section 1.5). Jargon and technical references have been kept to a minimum, and each criterion has been made as explicit and concrete as possible.

Once the criteria were developed, a list of seven report generators was prepared for comparisons. This list consists of most report generators in use in correctional agencies; report generators of sufficiently generalized scope to be of interest to correctional agencies; and those which had established reputations as indicated by either EDP managers in corrections or according to user surveys such as the *Data-Pro* survey. All of the systems reviewed are good; however, they do vary in interesting and significant ways. Most of the systems have been modularized so that, for example, a statistics package may be purchased and added to the basic package. In this comparison, while such options are noted, it is the basic system which is being compared.

The report generator assessment criteria can be used to guide evaluation and discussion when a report generator is being considered for purchase. Even when all computer facilities are controlled by a central or administrative data processing department, correctional users may request the purchase of a report generator and should be aware of its features if nontechnical personnel are to be trained in its use.

Tables 5.4 through 5.9 present an assessment of each report generator considering the correctional environment, an analysis of the content of demand inquiries, and the capabilities of the packages.

The tables are organized in a manner consistent with the criteria identified in

Exhibit A. The last section of the criteria—6.0 Acquisition and costs—concludes the comparison.

The procedure used to determine the relative strengths and weaknesses of each package included telephone interviews with representatives from each of the software companies and a review of the documentation and operating characteristics of each package. Once these ratings had been developed, states using each of the packages were contacted and, independently, assessed the package which they used. The ratings reported in Tables 5.4 through 5.9 reflect adjustments made as a result of correctional user insights. Finally, a three-point scale was selected to rate the software in which a "three" represents totally satisfied; a "two" represents only partially satisfied; and a "one" means no or little capability in the specific area.

Three words of caution in using this information should be noted. First, the software development field is intensely dynamic. For example, a brief conversation with one developer with whom the criteria were reviewed resulted in an effort on their part to fully meet the criteria. In other words, these rankings represent a snapshot of sprinters in mid-stride.

The current state of development of each system may be quite different from the summer of 1979 when this survey was performed. Indeed, many additional systems may be fully qualified for inclusion. Second, this type of assessment encourages aggregation and the development of a single indicator. Without an understanding of the relative importance of each criterion within a particular agency and appropriate weighting, such an indicator may confuse issues more than it clarifies. Finally, arbitrary judgments ultimately were the basis for these particular criteria and ranks. Another independent reviewer under similar circumstances would, hopefully, closely replicate the results reported.

It appears from this assessment that these report generators are excellent at producing list-type output and for simple variable table construction. The generation of complex tables with percentages, however, is problematic for most of the systems reviewed, and, clearly, data analytic tasks beyond addition, subtraction, multiplication, and division is not what these systems were designed for. However, most have an add-on at extra cost such as Reporter's Infostats, that provides a full range of basic analytic functions such as crosstabs, frequencies and percentages which would eliminate the need for a separate analysis package.

Another area of divergence with these systems is their capability in handling multiple input files. Frequently a report must be prepared that involves a half dozen data-times (variables) located on six different files. For example, the data required for a particular report may be stored in part in separate files such as admissions, population, release, movement history, disciplinary records, and program participation. These must be reformatted and merged by a separate run if the report generator does not access multiple files. Programming around a system which permits only a single input file may be time consuming and costly, if not impractical. Data Analyzer and Culprit are report generators that provide maximum flexibility in this regard.

It should be noted that the report generator software packages were compared as to features and cost at their lowest or stripped models. Correctional agencies which indicated a heavy use of these packages realized cost benefits in excess of expectations and could therefore purchase many optional functions which increased their abilities. The Virginia Department of Corrections reported great satisfaction with MARK IV and a cost savings over previous report production. This agency purchased a deluxe model as did the Ohio Administrative Services Department. The Ohio Youth Commission also reported satisfaction with ease of use, cost efficiency, and

Table 5.4
Report generator comparisons: file creation and management

	1. Standard Form	2. Record Form	3. Media	4. File Structure	5. Input Files	6. File Manipulation	7. File Information	8. Access	9. Security	10. Edit	11. Test	12. Data Checks	13. Variable Treatment
Dyl-260	3	3	3	3	2 (8 max)	3	3	3	2	3	2 (with Auditor)	2	3
MARK IV	3	3	3	3	2	2	3	3	2	3	2 (with Auditor)	3	3
Data Analyzer	3	3	3	2	2 (6 max--with option up to 100)	3	3	3	2	3	3	3	2
Easy trieve	3	3	3	2	1 (2 max)	2	3	2	2	3	3	2	2
Culprit	3	3	3	3	3 (256 max)	2	3	2	2	3	3	2	3
Asi-st	3	3	3	3	2	2	3	2	2	3	3	3	2
Reporter	2	2	1 (not cards)	2	1 (4 max)	2	3	3	2	3	2	2 (Infostats)	2

Table 5.5
Report generator comparisons: programming

	1. Command Language	2. Data Fields	3. Temporary Fields	4. Error Messages	5. Macros	6. DMBS
Dyl-260	3	3	3	3	2	IMS, IDMS DLT, TOTAL DBOMP
Mark IV	3	3	3	3	2	IMS, IDMS, TOTAL, ADABAS
Data Analyzer	3	3	3	1	2	IMS, IDMS, DLI, TOTAL, DBOMP
Easytrieve	3	3	2	3	3	IDMS, IMS TOTAL
Culprit	3	3	1	3	3	Most DBMS
Asi-st	3	3	3	3	3	Most DBMS
Reporter	3	3	3	3	2	DMS

Table 5.6
Report generation comparisons: analytical capabilities

	1. Math	2. Descriptive Statistics	3. Compute	4. Frequencies	5. Tables	6. Logic	7. Round Trunck
Dyl-260	2	2	2	2 (with Auditor	2 (with Auditor)	3	3
Mark IV	2	2	2	2 (with Graphics)	2 (with Graphics)	3	3
Data Analyzer	3	2	3	3	2 (2-way only)	3	3
Easytrieve	2	1	2	2 (with programming logic or Pan Audit)	1 (with programming logic or Pan Audit)	3	2 (No round)
Culprit	2	3	2	2 (No Percents)	2	3	3
Asi-st	2	2	2	1	2 (Counts only)	3	2 (No round)
Reporter	2 (with Infostats)	2	2	1 (with Infostats)	1 (with Infostats)	3	2 (No round)

BEST DOCUMENT AVAILABLE

Table 5.7
Report generation comparisons: output

	1. Formats	2. Labels	3. Media	4. Clarity	5. Interface	6. Throughput
Dyl-260	3	3	3	3	2 (Auditor)	1 (1 Report/1 pass)
Mark IV	3	3	3	3	2 (Auditor, Graph)	3 (255 Reports/1 pass)
Data Analyzer	3	3	3	3	2 (Graph)	2 (90 Reports/1 pass)
Easytrieve	3	3	3	3	2 (PanAudit)	2 (Multi Reports/1 pass)
Culprit	3	3	3	3	2 (Auditor)	2 (100 Reports/1 pass)
Asi-st	3	3	3	3	3	2 (Multi Reports/1 pass)
Reporter	3	3	1	3	2 (with Infostats)	1 (1 Report/1 pass)

Table 5.8
Report generation comparisons: training and support

	1. Training	2. EDP Knowledge	3. Manuals	4. TA	5. Train Availability
Dyl-260	2 days	Not needed	2	2	Yes
Mark IV	1 day	Not needed	3 (Audio Cassettes)	2	Yes
Data Analyzer	3 days	Useful	1	2	Yes
Easytrieve	2 days	Not needed	2	3	Yes
Culprit	3 days	Useful	2	3	Yes
Asi-st	3 days	Not needed	2	3	Yes
Reporter	2 days	Not needed	3	2	Yes

Table 5.9
Report generation comparison: acquisition and costs *

	Hardware Compatibilities		Price	
Dyl-260	• IBM 370, 360 or equivalent	License	$8400	
		Renewal	$20	
		Lease	$1500/yr	
Mark IV			OS	DOS
	• IBM 370, 360 or equivalent	License	$20,000	$15,000
	• Univac 9030, 9040, 9060, 9080	Renewal	$ 1,600	$ 1,600
Data Analyzer	• IBM 370, 360 or equivalent		OS	DOS
		License	$18,000	$16,000
		Renewal	$ 1,000	$1,000
Easytrieve	• IBM 370, 360 or equivalent		OS	DOS
	• Univac	License	$16,500	$14,500
	• VS9	Renewal	$ 1,650	$1,450
Culprit	• IBM 370, 360 or equivalent	License	$20,000	
	• Univac	Renewal	$ 2,000	
	• Honeywell			
Asi-st	• IBM 370, 360 or equivalent	License	$20,000	
		Renewal	$ 2,000	
Reporter	• Burroughs CMS System	License	$ 2,000	
		Renewal	$ 200	
		Lease	$ 183/month	

* All prices quoted are for the basic package without options as of September 1979.

range of ability while another agency which purchased the basic system has not realized such satisfactions.

Before any report generation software package is purchased it is wise to talk with a user who is performing the functions needed by correctional agencies.

In summary, this survey and comparison of report generators indicates:

- They are heavily tied to IBM compatible environments.
- Some are linked to data base management systems.
- Most have add-on statistics modules.
- Agencies using some of these packages are generally satisfied with their performance, indicating an increased efficiency in producing nonstandard reports, and, generally, improved access to the data base.
- These same agencies, however, continue to rely on custom programs for many production reports, although over a period of years these are likely to be phased out and replaced with report generator routines.
- The missing link to greater utilization of available report generation software is a reformatting interface between the software and various data base configurations.
- While adequate documentation to use the packages exists, frequently agency personnel do not have sufficient copies or training in their use.

Statistical packages

The content analysis of demand information requests revealed that many responses required manipulation and computation of data rather than just lists. It is much easier to compile statistics with canned statistics software packages than to have a computer programmer write a custom program to produce the information. There is a fairly large range of statistical packages available on the market today which could be readily used in corrections.

A procedure and reporting format similar to that used in the report generator section was developed to compare 11 different statistical packages. The assessment criteria are identified in Exhibit B. These have been divided into five major groups: (1) file creation, editing and management; (2) analytic capabilities; (3) output; (4) training and support; and (5) acquisition and costs. As with the report generator criteria, technical references and jargon have been minimized and most criteria are similarly stated as a minimum performance standard and all are made as explicit and concrete as possible.

A three-point scale was again used to rate each of the selected packages. The same caveats in using and interpreting the criteria and ratings discussed in the previous section apply to these criteria and ratings. The ratings are presented in Tables 5.10 through 5.13 and are organized to parallel the organization of the criteria in Exhibit B.

The most frequent uses of statistical packages in correctional agencies were for cross-tabulations, scatter-plots, frequencies and descriptive statistics. The major problems users reported with these packages were in creating input files, the difficulty of working with system JCL and, particularly, the lack of familiarity with the capabilities of the packages and the opportunities its availability created.

Table 5.10
Statistical package comparison: file creation, editing and management

Package	1. Data Set Size	2. Flexible Data Input	3. File Structure	4. File Information	5. File Manipulation	6. Data Checks	7. File Editing	8. Command Language
BMDP-77	3	1	-	2	1	2	2	3
DATATEXT	3	3	2	3	3	2	3	2
MINITAB II	1	2	1	1	1	1	-	2
OMNITAB 78	-	3	2	1	3	1	2	3
OSIRIS IV	3	2	3	2	2	2	3	2
P-STAT 78	3	3	3	3	3	2	2	2
SAS 76.5	3	3	3	3	3	2	3	2
SPSS (7.1)	3	3	1	2	2	2	2	2
SCSS	1	3	2	2	2	2	2	2
SOUPAC	3	3	2	2	2	2	2	1

Table 5.11
Statistical package comparison: analytical capabilities

Package	1. Math	2. Descriptive Statistics	3. Compute	4. Frequencies	5. Tables	6. Logic	7. ANOVA	8. Regression	9. Multi-Way Tables	10. Other Multi-variate	11. Time Series	12. Non-Parametric	13. Graphics	14. Econo-Metric
BMDP-77	3	3	3	3	3	3	2	3	3	2	-	2	2	-
DATATEXT	3	3	3	3	3	3	3	1	2	2	-	2	2	-
MINITAB II	3	3	3	3	3	3	1	-	-	-	2	1	2	-
OMNITAB 78	3	3	3	3	3	3	2	2	1	1	2	1	3	1
OSIRIS IV	3	3	3	3	3	3	2	2	2	3	-	2	1	2
P-STAT 78	3	3	3	3	3	3	1	2	2	2	-	1	1	-
SAS 76.5	3	3	3	3	3	3	3	3	3	2	2	1	3	2
SPSS (7.1)	3	3	3	3	3	3	2	2	2	2	-	3	1	-
SCSS	3	3	3	3	3	3	2	1	2	1	-	1	2	-
SOUPAC	3	3	3	3	3	3	2	1	2	2	2	1	2	2

Table 5.12
Statistical package comparison: output, training and support

Package	1. Output	1. Stat Training	2. EDP Training	3. Documentation	4. Maintenance
BMDP-77	1	2	2	3	2
DATATEXT	3	2	3	2	3
MINITAB II	1	3	3	3	3
OMNITAB 78	1	3	3	3	3
OSIRIS IV	2	2	3	3	3
P-STAT 78	3	3	3	3	3
SAS 76.5	3	3	3	3	3
SPSS (7.1)	2	2	3	3	3
SCSS	2	2	3	3	3
SOUPAC	2	2	2	2	3

Table 5.13
Statistical package comparison: hardware compatibility and costs*

	Hardware compatibility	Price
BMDP-77	• IBM 360/370 OS, OS/VS • IBM DOS • CDC • Honeywell • PDP-10 • PDP-11 • HP-3000 • Burroughs • Univac 1100 • Univac 70/90 • Hitachi • Fujitsu • Riad 20 • ICL System 4 • Telefunken	The yearly license fee for BMPD is $500 for universities; $1000 for governments and non-profit organizations; and $1500 for all others. The fee includes program source modules, load and/or object modules (if requested), and installation instructions on all magnetic tape. It also includes maintenance and one copy of the BMPD-77 manual.
DATATEXT	• IBM 370, 360	First Year / Renewal *Annual lease price* U.S. Universities: $750 / $300 Not-for-profit organizations and non-U.S. universities: $1000 / $400 Service bureaus (special arrangement) All others: $1500 / $600
MINITAB II	• IBM 360 models 30 and up • IBM 370 models 115 and up • Univac 1100 series • DEC system 10 and 20 • PDP-11 • CDC 3000, 6000, and Cyber serie • Burroughs • Xerox Sigma 7 and Sigma 9 • Hewlett-Packard 3000 • Harris /7 • PRIME 300 and 400 • NCR Century 200 • Honeywell	Lease — $200/yr.
OMNITAB 78	• IBM • Univac • PDP • CDC • Honeywell • Burroughs • Xerox • RCA • GE	$1500 one-time charge
OSIRIS IV	• IBM 360/40, AMDAHL 470 V/6 • CDC 6000 series, CYBER 70 • Siemens • Univac 1100 • DEC PDP-10	*One-time charge* *New users* / *Previous* $1200 / $600 Commercial installations 800 / 400 Academic, governmental installations 400 / 200 ICPSR installations
P-STAT 78	• IBM 360-370 • CEC CYBER • DEC 10/20 • Burroughs 6700 • Honeywell 600 • Sigma 7/9 • Univac 1106/1108/1110 • IBM - OS, VS, TSO, VM-CMS DOS-VS • CDC - NOS, SCOPE 3.4 • DEC - LINK 10 OVERLAY • XDS SIGMA 7 • Univac 1106/1108 • Burroughs 6700 • Honeywell 6000	Initial year / Each renewal year Annual lease Degree granting institutions: $1000 / $ 500 Others: 5000 / 2000
SAS 76.5	• IBM 360/370 and plug-compatible mainframes	$3500 for first year; $1500 for each year thereafter for commercial organizations; $750/$300 for educational organizations
SPSS (7.1)	• Burroughs B3700, B3800, B4800 6700, 7700, 7800 • CDC 6000 series CYBER series • DEC System 10, 20 • DEC PDP 11 • Facom 230-60/75 • Harris /7 • HP 2000-3000 • Hitac 8700, 8800 • Honeywell 60/66/XX 6000, 600 • IBM 360, 370 • ICL 2900 series ICL 4-75 • ICL 1900 • Interdata 7/32 8/32 • Prime 400, 500 • Siemens 4004, 7000 • Telefunken TR 4400 • Univac Series 70, 90 • Univac 1100 series • Xerox Sigma series	Perpetual license annual maintenance (optional) Academic / Non-profit / Commercial $1000 / $1500 / $1500 600 / 800 / 2000

SCSS	• IBM 370 TSO and CMS • DEC 20 • CDC • Xerox • Univac • DEC 10	Annual lease: $4000 Discounted to $1500 for tax-exempt organizations. Discounted to $1000 for degree-granting institutions.
SOUPAC	• IBM 360 mod 75 with MVT-OS • CDC CYBER 175 with NOS	Cost $160 for initial copy, (includes 2 manuals, instructions for installation) $85 for updates when desired

*Primary source of information for this section was Ivor Francis. *A Comparative Review of Statistical Software*. International Association for Statistical Computing, 1979.

Conclusions

There will be a predictable increase in the use of the types of software discussed in this chapter over the next few years if personnel are able to get training in their use. This will be due to increasing demands for timely and accurate data and to decreasing funds. Using an elaborate data base only to produce standard operational reports is not a cost-efficient utilization of resources.

The consequences will be significant in terms of an agency's ability to more fully respond to demand information requests in the cost-effective manner possible. However, the process of integrating such software into the decisionmaking, data and computer environments of the agency should not be ignored; it has been, in some agencies, a painful and costly one. But other agencies have used the software so effectively that more reports are being generated at a reduction of monthly data processing costs. Virginia recouped the purchase cost in savings in a matter of months. The key is proper utilization through planning and processing.

Exhibit C summarizes some of the major findings of this report. They are offered not as conclusions but rather as impressions about the state of this art as it relates to correctional agencies.

References

[1] Wooldrige, Susan. *Software Selection* (Philadelphia: Auerbach Publishers, Inc., 1973).

[2] DataPro Research Corporation. "User Ratings of Proprietary Software" (Detran, N.J.: Feature Report DO9-200-001, December 1978). See also Herbert L. Gepner. "User Ratings of Software Packages," *Datamation*, December 1978, pp. 163-227.

[3] Francis, Ivor, ed. A Comparative Review of Statistical Software, International Association for Statistical Computing, A Section of the International Statistical Institute, Exhibition of Statistical Program Packages, New Delhi, 1977.

[4] Ahern, Francis D. and Hirshorn, Seth I. "EDP Indicators: the Case of Massachusetts." A Paper presented at a meeting of the American Society for Public Administration, Baltimore, April 4, 1979, p. 14.

Exhibit 5.A
Report generator assessment criteria

1.0 File creation and management

1.1 It should be able to handle data in any standard form (packed, display, binary, floating point, etc.).

1.2 It should be able to handle data in any record form (variable-length, variable-block; fixed-length, undefined, etc.).

1.3 It should be able to handle all storage media (disc, tape, cards, etc.).

1.4 It should be able to define and file complex data structures (matrices, vectors, variable by case, case by variable, hierarchical).

1.5 It should be able to handle up to 10 input files.

1.6 It should be able to define and build a file by

- adding records
- deleting records
- selecting records
- merging records
- matching records
- sorting records
- updating a file.

1.7 It should maintain information on the form and content of files (i.e., dictionary, glossary, etc.).

1.8 It must access files without their modification.

1.9 It should have controls to prevent unauthorized access to data (e.g., keywords, etc.).

1.10 It should be capable of edit runs.

1.11 It should be capable of test runs on part of the data (e.g., n records every Kth record, a random sample).

1.12 It should provide automatic and complete data checks for input errors, including:

- range checks
- wild code checks
- logic checks between items.

1.13 It should be capable of

- recording
- weighting
- creating new variables.

2.0 Programming

2.1 Command language should be logically structured and use English-like statements.

2.2 Data fields should be addressable as either numeric or alphanumeric.

2.3 It should provide redefinable work fields and temporary fields. These should:

- permit a variable number of decimal places;
- permit the rearrangement and redefinition of data as necessary;
- permit assignment of a name;
- not require file space.

2.4 Error messages should be explained in the output and documented in a manual.

2.5 It should facilitate the use of:

- macros
- production reports.

2.6 It should interface with data base management systems, such as ADABAS, TOTAL, IMS, IDMS, DLI.

3.0 Analytic capabilities

3.1 It should be able to perform the following arithmetic procedures: add, subtract, multiply, divide, exponentiate.

3.2 It should be able to calculate the following statistics:

- mean, median, mode
- standard deviation, variance
- minimum, maximum, range
- percentiles.

3.3 It should be able to perform a compute statement, including the use of a numeric or procedural constant.

3.4 It should be able to produce frequency distributions, histograms, and bar charts.

3.5 It should be able to produce multi-way hierarchical tables, including:

- counts
- percentages
- means, standard deviations.

3.6 It should be capable of selecting subsets based on logical operators (e.g., less than, equal to, greater than, or, and, not, etc.).

3.7 Results should be rounded and/or truncated.

4.0 Output

4.1 The following output formats should be available:

- list-type output
- tabular output
- multiple lines for page headings
- variable length row and column headings
- default options on page numbering, line control and column spacing.

4.2 Output labels should be flexible in terms of location, size and characters used.

4.3 It should be capable of outputting tape, disc, or card files.

4.4 Output should be understandable and publishable without editing and retyping.

4.5 It should interface with statistical software (e.g., SPSS, SAS, BMDP, etc.).

4.6 Multiple output files and reports should be generated by one pass through the input file.

5.0 Training and support

5.1 It should require a maximum of one week's training to learn.

5.2 Users should not have to know JCL, Assembler language, Fortran, etc., to use it.

5.3 Manuals should include:

- explanation of features
- detailed sample programs
- a step-by-step learning guide
- an index
- detailed documentation for EDP personnel.

5.4 Technical assistance to diagnose and solve programming problems should be available.

5.5 Training should be provided.

6.0 Acquisition and costs

6.1 Installation time should be less than one week.

6.2 Identify current or planned hardware compatibilities.

6.3 Identify special software/hardware requirements.

6.4 Identify cost options for using the software.

Exhibit 5.B
Statistical package assessment criteria

1.0 File creation, editing and management

1.1 It should be designed to handle a 30,000 racord data set.

1.2 It should be able to handle data in any standard format or record form.

1.3 It should be able to define and file complex data structures (matrices, vectors, variable by case, case by variable, hierarchical).

1.4 It should provide automatic and complete data checks for input errors including:

- range checks
- wild code checks
- logic checks between items.

1.5 It should maintain information on the form and content of files (i.e., dictionary, glossary, etc.).

1.6 It should be able to define and build a file by:

- adding records
- deleting records
- selecting records
- merging records
- matching records
- sorting records
- updating a file.

1.7 It should be capable of edit runs.

1.8 Command language should be logically structured and use English-like statements.

2.0 Analytic capabilities

2.1 It should be able to perform the following arithmetic procedures: add, subtract, multiply, divide, exponentiate.

2.2 It should be able to calculate the following statistics:

- mean, median, mode
- standard deviation, variance
- minimum, maximum, range
- percentiles.

2.3 It should be able to perform a compute statement, including the use of a numeric or procedural constant.

2.4 It should be able to produce frequency distributions, histograms and bar charts.

2.5 It should be able to produce multi-way hierarchical tables, including:

- counts
- percentages
- means, standard deviations.

2.6 It should be capable of selecting subsets based on logical operators (e.g., less than, equal to, greater than, or, and, not, etc.).

2.7 It should be capable of stepwise regression, have a wide variety of residual plots available and present standard summary statistics.

2.8 It should be able to perform an analysis of variance and covariance, and probit and logit analyses.

2.9 It should be able to perform multi-way contingency table tests including the use of log-linear models.

2.10 It should be able to perform factor, discriminant, and cluster analysis as well as multidimensional scaling.

2.11 It should be capable of performing time series analysis.

2.12 It should provide a variety of nonparametric test statistics.

2.13 It should have graphics capability.

2.14 It should have two and three step least squares estimation of linear and nonlinear equations.

3.0 Output

3.1 Output labels should be flexible in terms of location, size and characters used.

4.0 Training and support

4.1 It should be usable by anyone who has had one college level statistics course.

4.2 It should be usable by anyone who has had one college level EDP course.

4.3 Documentation should include a user's guide, an introductory text, a system guide and explanation of statistical methods.

4.4 Package should be maintained and undergo continuing update.

5.0 Acquisition and costs

5.1 Identify current and planned hardware compatibilities.

5.2 Identify cost of acquiring the package.

Exhibit 5.C
Summary of findings

1.0 General

- There has been a substantial increase in the quantity and quality of report generation software in the marketplace during the past five years.
- The market has been dominated by IBM-compatible software.
- The market has not been responsive to mid- and mini-systems.
- Correction agencies have little history with this particular technology.
- EDP priorities in correction agencies are first, operations; second, management reporting; and third, research and analysis. The consequences are: 1) little need for an on-line capability; 2) organization of data making access difficult; 3) data elements captured are different.

- *Analysis has historically been oriented to preparation of the Annual Report*; with automation, research is now more project-oriented.

2.0 Report generators

- Most report generators are excellent at producing lists; some are excellent for tables; and a few provide statistical capabilities without significant "add-ons."
- Two capabilities are, perhaps, most critical in the corrections' environment: (1) being able to handle multiple input files; and (2) the treatment of missing or invalid data. A great deal of variation among report generators exists in these regards.
- Most report generators are interfaced with the leading DBMs; few are linked to statistical application packages.
- Agencies with RGs have had, generally, positive experiences, although still relying on custom programming for many production reports.

3.0 Statistical packages

- There is an increasing reliance on statistical packages, particularly SPSS, for compiling descriptive statistics.
- Statistical packages are most frequently used in departments of corrections for cross-tabulations, scatter-grams, and frequencies.
- Major difficulties reported in using such packages include: (1) creating input files; (2) lack of familiarity with package's capabilities; and, (3) system JCL.
- Certain statistical packages are more efficient and less expensive with large data sets.

Exhibit 5.D
Report generator software packages

1. Asi-st
Applications Software, Inc.
21515 Hawthorne Blvd.
Torrence, California 90503
(213) 540-0111
2. Dyl-260
Dylakor Software Systems, Inc.
16255 Ventura Blvd.
Suite 808
Encino, California 91436
(213) 955-0150
3. Data Analyzer
Program Products, Inc.
95 Chestnut Ridge Rd.
Montvale, N.J. 07645
(201) 391-9800
4. Culprit
Cullinane Corp.
20 William St.
Wellesley, Ma. 02181
(617) 237-6600
5. Easytrieve
Pansophic Systems, Inc.
709 Enterprise Ave.
Oak Brook, Ill. 60521
(312) 986-6000
6. Mark IV
Informatics, Inc.
Software Products Division
21050 Vanowen St.
Canoga Park, Ca. 91304
(213) 887-9121
7. Reporter
Burroughs Corporation
Burroughs Place
Detroit, Mi. 48232
(313) 972-7269
8. Batch Query (s/3), GIS
IBM Corporation
Data Processing Division
1133 Westchester Ave.
White Plains, New York
(914) 696-1900
9. Datatrieve
Digital Equipment Corporation
146 Main St.
Maynard, Ma. 01754
(617) 897-5111
10. Extracto
Optipro, Inc.
P. O. Box 615
StockExchange Tower
Montreal, Quebec H4Z 1J8
Canada
(514) 845-8107
11. POISE
The Poise Co. Inc.
210 N. Nevada St.
Roswell, NM 88201
(505) 623-8554
12. QDMS
Quodata Corporation
196 Trumbull St.
Hartford, Ct. 06107
(203) 728-6777
13. Quickjob
Systems Support Software, Inc.
5230 Springboro Pike
Dayton, Ohio 45439
(513) 436-9514
14. Ramis II
Mathematica Products Group
P. O. Box 2392
Princeton, N.J. 08540
(609) 799-2600
15. SIR
(Scientific Information Retrieval System)
Scientific Information Retrieval, Inc.
P.O. Box 1404
Evanston, Illinois 60204

Exhibit 5.E
General purpose statistical packages

1. BMDP 77
(Biomedical Computer Programs)
Health Sciences Computing Facility
University of California
Los Angeles, CA 90024
2. DATA-TEXT (version 3.4)
The DATA-TEXT PROJECT
5905 Sepulveda Blvd.
Suite 301
Culver City, CA 90230
3. MINITAB II
T. Ryan and B. Ryan
Department of Statistics
Pennsylvania State University
215 Pond Lab
University Park, PA 16802
(814) 865-1595
4. OMNITAB 78 (version 5.14)
Office of Standard Reference Data
A323 Physics Building
National Bureau of Standards
Washington, D.C. 20234
5. OSIRIS IV
Institute for Social Research
P. O. Box 1248
Ann Arbor, Michigan 48106
6. P-STAT 78
P-STAT, Inc.
P. O. Box 285
Princeton, New Jersey 08540
7. SAS 76.5
SAS Institute, Inc.
P. O. Box 10066
Raleigh, NC 27605
9. SPSS
SPSS, Inc.
444 North Michigan Avenue
Suite 3300
Chicago, Illinois 60611
10. SOUPAC
Statistical Services/Computing
Services Office
84 Commerce West
University of Illinois
Urbana, Illinois 61801
11. TPL
Commissioner of Labor Statistics
Bureau of Labor Statistics
441 G Street N.W.
Washington, D.C. 20212

Chapter 6

Systems transfer technology for contemporary corrections*

In the past several years corrections has undergone several changes in philosophy, operation and administration. A common trend underlying these past, current and future trends is the need of correctional administrators, legislators, the press, and other interested persons and groups to obtain accurate, reliable and timely information regarding the entire range of correctional issues. To meet this increasing need for information, many corrections administrators and departments have turned to the utilization of computer and information system technologies.

An added complication is the concern for more cost effectiveness throughout the public sector. Thus a critical issue in corrections concerns the most cost effective way to use computer and information system technology to provide the increasingly complex and voluminous amount of information required for both internal and external consumption.

One of the highest costs for any installation using computer technologies is the amount of time, personnel and money spent in the design and development of software for specific applications. One method to help keep the design and development costs to a manageable and acceptable level is to transfer software and systems of software from one installation to another. An early example of correctional information systems transfer was a system developed by the Illinois Department of Corrections. This system was modified and installed in the Ohio Department of Corrections and later by the Ohio Youth Commission. This table driven reporting system has subsequently been installed in the South Carolina Department of Corrections where it is in operation today. This transfer of software is not, however, without problems (e.g., cost overruns, incompatibilities with existing hardware and software, time consuming installation and inability to use and understand the outputs).

The *Basic OBSCIS Software Package* is another example of transferable software for a correctional information system.[1] This system was designed to provide three core level modules of the eight modules in the OBSCIS system. Design and programming was done under the direction of SEARCH Group, Inc. to operate on a Xerox computer independent of any state specific requirements. SEARCH then transferred the system to a Data General minicomputer, still operating as a test file with fictitious data. The first live transfer was done by the Iowa Department of Social Services Division of Adult Corrections in 1978, on an IBM-360 system. Since then versions of the *Basic OBSCIS Software Package* have been implemented in Kansas, Connecticut, Alaska, and South Dakota.

The objective of this chapter is to provide corrections administrators with a brief background on the theory of systems transfer and on specific issues that should be considered by those considering system transfer.

This chapter reviews pertinent literature on system transfer and attempts to pull together the key concepts which are relevant to the problems posed when an administrator wishes to transfer software from one installation to another. These problems include consideration of such things as the physical environment, hardware, software, purchase or development of systems, personnel, consideration of the performance outcomes, etc.

The remainder of this chapter is divided into four sections. The first section presents a review of the key concepts in the systems transfer literature. The second presents a typology of systems to be transferred. The third section presents a categorization of the factors which must be considered in a transfer project. Finally, the summary combines the previous two sections to give the corrections administrator a guide to the critical questions to ask when a transfer project is being considered.

Key concepts for system transfer

There is a growing interest among computer professionals relating to transfer of software systems and their components among different hardware configurations. This concern is based upon economic (high cost of transfer), hardware (the rapid growth of new hardware developments), networking (networks of computers and data bases) and user (applications programs) issues. Several articles are emerging concerning the transfer issue in the various trade publications. An international seminar to discuss software portability was also held at the University of Kent at Canterbury during 1976.[2]

Most of the work on system transfer is being done at either a conceptual/theoretical level or a very system-specific level. Few, if any, articles discuss specific concepts that must be addressed when one is attempting to move a program or system of programs from one user environment to another. Reinvention of the wheel is very common at the transfer stage. Yet program transfers are as inevitable as death and taxes.[3]

As with many computer and information system concepts, the notion of system transfer means different things to different people. The system designer has one view, the programmer has a second, the data base manager has a third, the user has a fourth, the hardware designer a fifth, and the DP manager has yet another. An attempt to develop a definition of system transfer to satisfy all of these groups would be impossible. However, for the purpose of the present discussion, system transfer will be defined as the process whereby software and software related materials are transferred from one hardware installation to another. Most computer professionals will argue that universal transferability is an unobtainable objective. However, a degree of software transferability between most hardware configurations is obtainable and is determined by the number, extent and complexity of changes necessary in the software.

This section presents the key concepts concerning successful system transfers. The closer a system comes to these concepts the higher the probability for a successful system transfer. However, an exact prediction of successful system transfer is very difficult, if not impossible, to obtain. A later section of this chapter will present a detailed list of specific considerations for system transfer.

The concepts discussed below include:
- Documentation
- Standards
- Performance evaluation
- System design for transferability
- User.

Documentation

Many professionals believe that good documentation is the primary key to successful system transfer. Good documentation should:
- Be complete
- Be concise
- Be understandable
- Contain step by step instructions for installation and execution
- Contain flow charts depicting overall logic and specific information flows
- Refer to nonstandard locations (activities) where changes may be required due to dif-

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* Much of the information presented in this chapter was provided by Mitchell Jochum and Lance Wilson of Minnesota Crime Prevention Center, Minneapolis, Minnesota.

ferent computer architecture, configuration and user preferences
- Include successful benchmark test runs
- Cite experience of other installers and known installations with similar transfer experience
- Include lists on program optimization and debug aids.

The above documentation elements should be viewed as a minimum requirement. Most computer specialists recommend at least 25 percent of the system development effort be devoted to the creation and update of documentation.

Standards

Problems during transfer can be minimized when standards are followed in the creation of the system and its documentation. Documentation standards include PRIDE, FIPS, and other standard forms. PRIDE stand for PRofitable Information by DEsign through phased planning and control and is a copyrighted documentation system of M. Bryce and Associates.[4] FIPS is the Federal Information Processing Standards Publications, a product of the U.S. Department of Commerce, National Bureau of Standards.[5]

The use of standard languages ANSI (American National Standards Institute) standard COBOL (COmmon Business Oriented Language), FORTRAN (FORmula TRANslator), and BASIC (Beginners All-purpose Symbolic Instruction Code) are of utmost importance to facilitate transfer. The CODASYL standards for data base management systems are also important.[6]

Other standards include those for flow charts, program testing, and implementation. The use of standard languages and procedures provides a common base with which to begin a transfer project. Parties on each of the transfer process have a common frame of reference on which to base their communication.

Performance evaluation

Closely related to standards in gathering information for design, programming, and implementation is the concept of performance—performance evaluation and performance monitoring.[7] A standard set of tests should be exercised at the host installation and again at the user installation to assure performance at the time of transfer. To assist in performance monitoring after transfer, these tests should be available to the user for use at any time should malfunctioning occur at the user site.

System design for transferability

Another key element in transfer to system(s) is the system design. At least two major approaches to the design of transfer systems exist: corrective and predictive.[8]

The corrective approach essentially develops a system for one machine without regard to other machines. The transfer to other machines is performed on a trial and error basis with "quick and dirty" modifications being made to get the transferred system "up and running." The second approach, predictive, attempts to determine the range of machines on which the system(s) may run, uses prior experience in transfer to determine appropriate languages and language subsets, then develops the system for a range of machines or families of machines. The *Basic OBSCIS Software Package* is an example of the predictive approach. This predictive approach can provide greater reliability, efficiency and felxibility. In essence, the corrective approach faces new problems each time a new implementation is made whereas the predictive approach strongly emphasizes advanced planning, building a program using only standard features of a common language, and being aware of the target machine's characteristics.

The design of the system must consider the following five categories: hardware structures that most profoundly affect the architecture and operation of the software system; operating systems; storage; manipulation, and protection of information; languages and their translators; and building and measuring the performance of the system.[9]

Control of errors must be considered in the design phase as it pertains to the human element—elements such as the human factor in keyboarding, providing operator feedback on the screen or terminal, forms design for ease of filling out the written form and subsequent keyboarding, etc.[10]

The actual techniques used to develop code for transportable systems should follow the well-known standards for structures, logically separated and modularized programs. An additional method of "separation structuring" is common to well-designed transferable systems.[11] Separation structuring refers to the logical and physical isolation of components which are, or could be, machine dependent. These logical and physical separations help the installer locate and isolate potential problem areas.

Careful planning for maintenance, corrections, and extensions after successful delivery is essential for the transfer process. Designers and installers of portable software are familiar with a common constraint of portable software, namely, uncovering hitherto unknown bugs as the receiver uses the software. These undiscovered bugs surface in the new environment because transportable software tends to use more memory, external references, macroprocesses or utility programs previously unused in the new operating system. Patches made in the software by the receiver to affect compatibility with the new environment frequently bring more technical problems to light or cause additional hidden bugs. Consequently, detection of the problem is often very difficult. Portable software will also have problems because no program is "perfect." A procedure for reporting and correcting these problems is required.

Users

Perhaps the most important and often least considered factor in the transfer of correctional systems is the user of such systems. Regardless of what other parameters are considered in the development of a system or program, it is necessary to consider its potential use and mode of use by persons for whom it is intended. It is necessary to design the system to be flexible enough to suit a range of users' needs, habits, and preferences.

A correctional information system is not created to keep the data processing department fully employed, but to serve the agency's users at various levels. Source information comes from intake units, institutions, program and treatment units, and counselors. Output information should also go back to sources as operational data as well as to regional and central administration as management information. There is little enthusiasm for accurate input if the only output is an annual report published 3 to 6 months after the reporting period. The users to be involved in the development process should include records management, classification, counselors, program and treatment personnel, security, wardens and superintendents as well as central office administration.

A system designed for contemporary use should at least be able to serve the present users. The best plans may go astray because the people who are to use the system have not been considered or consulted. An analyst defines the task to be accomplished, a designer decides how the results will be achieved, and the user is concerned with what the system will do, what kind of reports will be received, what kind of input is needed, what it will cost, what training is needed, what to do if the system fails, etc. The "what" must be communicated with the user and a written description of user needs agreed upon, system objectives specified, and efficiency estimated.

The best way to guarantee success of implementation is to involve the user at each stage of the development process with particular emphasis given to positively informing the user about the system and its impact. This process of education must focus on several, if not all, levels of management and operation including people supplying the information through the written forms, technicians, operators, programmers, people using reports, and higher management. Education can be in the form of seminars, training manuals, self-study courses, demonstrations, hands-on training and discussions.

An added ingredient in the system transfer process is that there are at least two distinct users or sets of users. Those who have the system and those to whom the system is

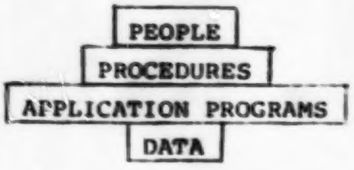

Figure 6.1. Computer components involved in transfer

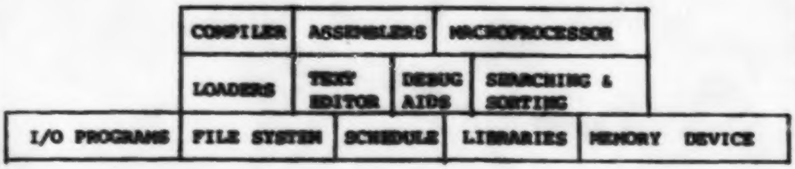

Figure 6.2. Hardware-dependent components of transfer

being transferred. An essential element for successful transfer is the communication between these two user groups. For example, personnel from the South Carolina Department of Corrections traveled to Ohio to see the system in action. Later, personnel from Ohio checked results from South Carolina for consistency. Here, "users" is taken in the most general sense and is meant to include not only persons who only use the outputs but also those charged with the design implementation and maintenance of the system at each end of the transfer.

Systems to be transferred

The systems components to be transferred can be divided into three categories: programs (or systems of programs), data, and administrative procedures. Figure 6.1 illustrates the relationship of most computer environment components that can be involved in a transfer.[12]

Figure 6.2 describes the computer environment involved with transfer illustrating those components that are dependent upon the specific vendor hardware, operating system and other vendor supported software and peripheral equipment.

Programs transfer

Transfer of programs (system software or application software) can be viewed as consisting of any of the following parts arranged in a vertical hierarchy according to their level of complexity.

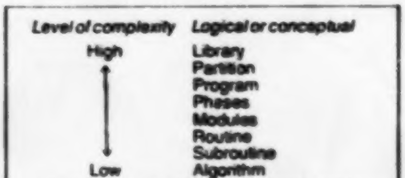

Figure 6.3. Elements of program(s) transfer

A program library is the largest and most inclusive grouping. An example of a program library in system software would be an operating system (also called master control program or executive, e.g., IBM's DOS-Disk Operating System or TSO-Time Sharing Option; Burroughs MCP-Master Control Program or MCS-Message Control System). An operating system consists of a set of programs that assist the user in obtaining better operating performance from the computer. Partitions within the library are usually unordered as are the programs within a partition. Examples of programs within the storage allocation partition would be memory management functions, job swapping, or linkage functions. Programs are composed of phases. In large programs each phase may be a program in itself. A phase in the memory management program would be protection of memory. A module within the protection phase may emphasize protection by software programming techniques such as use of status words or use of passwords. Another module may emphasize protection through hardware switches.

Modules are combinations of routines that together can direct the computer for such a small group of operations that a routine requires other routines to perform a function. Within the protection software module a routine will exist for checking legitimate passwords. Routines may be composed of subroutines. Many times routines and subroutines are considered synonymous. However, a routine could be large enough so that it will have subroutines (e.g., an algorithm). A subroutine performs one function. Algorithms perform a specific task such as square root, absolute value, or rounding a real number to a specified number of decimal numbers.

Data transfer

Transfer of data can be viewed as consisting of any of the following elements arranged in a vertical hierarchy of complexity.

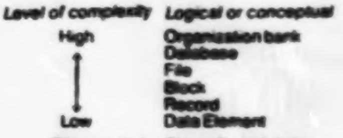

Figure 6.4. Transfer of data

The most inclusive grouping needs to include all databases of a correctional agency which could be called the agency databank. Within the agency databank there will be several databases. For example, for a corrections databank the following databases could exist: inmate database (current, past), personnel database, finance database, and facilities database. A database consists of a number of files. A file is a set of data usually showing a repetitious internal structure, called records, where the content pertains to a particular subject area. The inmate database could consist of the following files: high security, medium security, work release or furlough eligibility. A block consists of an arbitrary number of records. The size of the block depends on the size of internal memory. A record is the basic component of the file. A record is a set of data that pertains to an individual instance of a topic.

Administrative procedure transfer

Transfer of administrative procedures refers to the transfer of procedures and/or methods relevant to the collection, processing, presentation and security of data/information and to the procedures developed for the receiving, evaluating, prioritizing, and processing of requests for information. For example, identification of the location of source information, where coding and data entry are to be performed, the means and time frame for submission of data, verification, and error correction of input; the distribution of standard output or periodic reports; identification of restricted information and those with access; method of dissemination for *ad hoc* reports. Some of these require correctional agency policy while others are the purview of the manual of operations for the information systems.

The vehicle or media for transfer of data or software can be hard copy documentation and/or machine readable form whereas the media for transfer of administrative procedures is strictly hard copy documentation, as these procedures are implemented upon management and organizations, not on machines.

A key area of administrative procedure transfer occurs when a correctional agency is converting from a manual to a computerized environment. The setup and capture procedures for relevant, accurate and timely data revolve around at least three areas: (1) the necessity to set up data acquisition and data preparation procedures, (2) the necessity to set up files of information and, (3) decisions about the method for changeover.

To convert the input, specific methods must be developed to acquire the input data, to prepare the data (coding), to put the data into machine usable form, and to communicate this to the computer. This involves both manual operations and machine operations. Even if the data is gathered as a byproduct of other computer equipment, sorting, editing, batching, control, and verification may be needed.

Accuracy, validity, uniformity of format, timeliness, consistency in data acquisition, and close observance of deadlines are aspects that must be achieved through clerical and machine procedures. Special attention must be given to providing forms, supplies, and equipment at the time and place needed. Personnel matters (e.g., morale regarding job security) are very important during conversion to facilitate limiting the number of mistakes made in trying to perform two jobs at the same time.

In the area of input preparation most standard operating practices require a clear separation of personnel responsibility. In correctional environments it is rare to find personnel associated with operating the computer and also preparing the input. This separation frequently results in an evasion of accountability for the quality of data submitted, a distrust of the accuracy of the output, and eventually a corruption of the database due to "dirty data"—incomplete, inaccurate or inconsistent data. This is of major importance in proper utilization of an automated database.

Input control procedures cover three major points: completeness, accuracy, and protection. The procedures for a smooth functioning operation must include clear and complete directives for the clerical procedures. These procedures involve preparation of a procedures manual giving precise directions on how each person or piece of equipment is to operate in each situation—directions covering how to prepare the input in the required content and format, sorting, editing, converting the data, and such simple mechanical matters as how to get forms and materials. It is up to the correctional administrator to emphasize accuracy in data collection and entry. A policy for accountability in all aspects of information processing is needed, followed by procedures for verification and policy implementation.

Procedures are needed for auditing. One effective procedure is to have one employee job be a check upon that of another. A second desirable audit procedure is to build audit trails into the system. In the preparation of computer applications it is common to provide for some intermediate results for audit purposes. Another audit procedure requires that all data have been processed and processed in a consistent manner. Auditing can also be performed by building into the program various checks upon the data to be processed and upon the processing method of the computer. Checks such as hash totals, sequence checks, proof figures, record counts, limit checks, breakpoints, checking numbers or check digits, tape label checking, and record label checks are essential to insure proper updating of all data bases and to preserve their integrity.

Data, once prepared by the input preparation group, can then go to the computer for processing. Specific procedures covering the handling of data must be given to the computer operator. These directions will specify for each application what data is to be used for input, what conversion operations, if any, are required, and what input equipment is needed. Methods to avoid using the wrong input are needed—identification labels, different colors for different media, etc. Input handling procedures should specify ways for maintaining protection of the input data—forbid leaving input data in accessible open trays where they can be removed, logging procedures for entering or leaving the data storage vaults.

The handling of output is in one sense simpler than input. The procedures depend in part upon the form in which the data is to be transmitted to the final user, e.g., output in printed documents must have the carbons removed and then burst and bound.

On the other hand, the presentation of output to the end user may involve substantial training (or retraining) concerning the interpretation and use of the information. In some correctional agencies, reports were produced and stored, but the information was not used. When a question arose that could be answered from the report, someone else had to retrieve the data and prepare a special report.

In most instances, users will be exposed to new or at least differently formatted information than they are used to. Care must be taken to ensure the appropriate use of that information. In some instances a temporary liaison must be created to bridge between the DP and user personnel.

Finally, experience suggests that in many instances the administrative procedures associated with system transfers are very difficult to execute due to organizational environments (personnel, organization history and inertia) and resource constraints.

Systems transfer considerations

The previous sections discussed the key concepts in system transfer and presented a typology of approaches to transfer. This section and the appended exhibits provide a categorization and an itemization of the specific elements and key questions to consider before embarking upon a system transfer project. Five categories of elements are presented which cover the minimum elements to be considered in the transfer decision. These elements should be dealt with by the full user group so that all aspects of the transfer problem are thoroughly considered. The categories include:

- •Hardware issues
- •Software issues
- •Documentation issues
- •Performance issues
- •User issues.

Each of the forementioned categories includes a list of key questions which will serve as a guide for persons involved in either the development of transferable systems or in the transfer of an existing system from one site to another. This guide will provide the nontechnical user personnel with reference material which, when met with satisfactory resolution, should prevent any major errors of omission, development and implementation slow downs, or project hang-ups.

Although an attempt was made to include as many elements as possible, no doubt some installations must add additional considerations which are site specific. Further, the responses to these considerations must be evaluated by each site to determine the constraints they impose upon transfer to their specific installation. Although desirable, it is virtually impossible to assign prior probabilities for successful transfer to each (or combinations of) the elements.

Hardware

Hardware problems encountered during transfer refer to differences in representations due to different machine architectures and different associated peripherals. Transfer is easier when the hardware is of the same manufacture and model, but still not too difficult if the specification differences are identified and documented. The key transfer questions associated with hardware are presented in Exhibit A.

Exhibit 6.A
Hardware

I. Will the available hardware support the required
  A. Character set (including special characters and control characters)
  B. The number of alphabetic characters per word and number of characters/word
  C. Collating sequence
  D. Double-precision arithmetic
  E. Addressing scheme (byte vs. word, shifting, etc.)
  F. Floating-point arithmetic
  G. Projected workload to satisfactorily generate timely reports
  H. Machine base (octal, hexadecimal, binary—needed for modifications and dumps)
  I. Software
    1. Operations systems
    2. Programming languages
    3. Data base management system
    4. Files and file handling
    5. Addressing and addressing scheme
  J. Physical characteristics for I/O devices
    1. Magnetic tape
      a. density
      b. 7 or 9 track tape
      c. cartridge
        cassette
        reel (size)
      d. character set (control characters, special characters)
      e. bootstrap format (# of words in BOOT BLOCK)
      f. label formats
      g. parity
      h. number of magnetic tape devices
    2. Magnetic disc
      a. removable disc pack
      b. character set (control characters, special characters)
      c. bootstrap formats
      d. parity
      e. size of disc storage (megabyte)

3. Terminals
a. screen size
b. cursor and screen addressing
c. character set (control characters, special characters)
d. lower/upper case characters
e. end-of-line, start of line conventions
f. erase characters
g. full-page conventions
(1) are lines added at bottom and a line pushed off top
(2) is the page erased and a new page started
h. number of terminals
4. Printers and terminals for line printing
a. size form(s)
b. satisfactory generation of the number of parts/form
c. number of lines per page
d. number of characters per line
e. character set (control characters, special characters)
f. carriage controls
5. Card readers
a. size of card accepted (80, 51, 96 col)
b. code (Hollerith, binary)
c. punch code — 026, 029
K. Appropriate interrupt handling
L. Size memory
M. Parity
N. Console switch settings
O. Time limits (satisfactory amount for looping before abort)
P. Word size

Software

Programs transferred into a user environment must be compatible with the software of the user's environment—operating system, utilities, database management system, text editing, file handling, etc. Exhibit B emphasizes software characteristics that must be analyzed when transferring a program.

Exhibit 6.B
Software

I. Will the available software support the required
A. Program size (bytes, instructions, words)
Programming languages
1. Standard COBOL ANSI COBOL 1974, ANSI X3.23. 1974 (may specify levels of standardization for different feature)
example: nucleus Level 2
sort-merge Level 2
table-handling Level 2
etc.
2. Standard FORTRAN (ANSI FORTRAN 1966, ANSI X3.9, 1966) with following extensions: blocked or unblocked I/O read and write random and indexed files, etc.
3. Other
B. Compiler peculiarities
1. Length of identifiers
2. Length of integers (16 bit, 32 bit, etc.)
3. How are arrays accessed
4. How are matrices stored
5. Are variables initialized
6. Run-time checks (array size, string size)
7. Separate compilation — program may be too large to compile on target machine
8. Execution of loops if range is out of order — is an error detected
C. Linkage to the main program/system
1. External references satisfied
2. Overlay structure for separate programs
a. tree or chain compatibility
b. compatible communication between segments
D. Format for delivery to user site
1. Bootstrap (machine language software)
2. Cards (source, object, code compatible)
3. Tape (compatible labels)
4. Disc (compatible labels)
E. Error message handling to an I/O device (compatible)
Error message in English and explanatory
F. File accessing methods
1. Sequential
2. Random
3. Indexed
4. Other
G. Initialization of memory
H. File considerations:
1. Who performs all opens, closes, writes, rewrites, reads, recovers, deletes, creates, naming, renaming
2. Limitations:
a. number of files open at a time
b. concurrent use of 2 or more files as input or output
c. file identification
d. end of file conventions
e. header and trailer labels
3. Protection
I. Input/output data
1. Reformatting files required
2. Usable output format to meet user requirements
3. All required data for input is available
J. Text editor (for source editing) supports the required character set (special characters)
K. Job control language
1. Length of password, user numbers, account number
2. Runstreams executed from disc or tape
3. Format for job stream (card and deck)
L. Database Management (If the target system uses a DBMS, these considerations are necessary. If not, the file considerations must be addressed.)
1. Services
a. Is the security satisfactory — security/privacy down to the file, record, field level
b. Lockout features satisfactory (by password, account number, user number)
c. Utility routines available:
(1) Load and unload
(2) Reorganize files
(3) Recovery and backup
(4) Statistics for data base management information
d. Is the query and report generating capability convenient — does it have a natural language
e. Is there a data glossary and dictionary available ([illegible] has) to prevent recompiling when changes are made
f. Is there concurrent update and inquiry capability
g. Does the system allow for multiple data bases to be open at one end
h. What is the number of keys allowed
i. Is error message handling satisfactory
j. Other support software provided:
(1) Sort/merge
(2) Floating point arithmetic
(3) etc.
2. Operation
a. Operating system interface
(1) Performs I/O functions
(2) Performs full opening, closing, rewrites, deletes, naming, and renaming
(3) Handles local and permanent files
(4) Modes of protection offered by the O.S.
(5) Blocking factor for tape/disc
(6) Is memory initialized
(7) Compatibility of system calls from application programs
b. Complexity of the Data Definition language and the Data Manipulation language
3. Physical control
a. How efficient is the I/O; can page size (program size) be changed
b. Mode of interaction
(1) Interactive
(2) Maximum number of users
(3) Concurrent use of one data base
c. Access methods used
(1) Random
(2) Indexed sequential
(3) Other
4. Vendor support
a. Cost
b. Is system aid available on site or must one depend on phone calls
c. What type of assistance is given for installation
d. Is the vendor reliable and committed to support the system
5. Training and documentation
a. Manuals
b. Course available
c. Are manuals accurate, complete, and up to date
6. Language interface
a. Compatible with host language (COBOL, FORTRAN, etc.)
7. Staff requirements
a. What technical qualifications are required of the data base manager, users, and management
8. Physical characteristics of the computer
a. Size memory required
b. Special hardware features required
c. Software required (operating system, library routines, etc.)
d. Error message compatibility with I/O devices
M. Support software
1. I/O devices required
2. Utility routines (call and return compatible)
3. Library routines (call and return compatible)
4. Debug routines
5. Sort/merge routine
6. Floating-point arithmetic (software)
N. Operating system interface
1. Performs I/O functions
2. Performs full opening, closing, rewrites, deletes, naming, renaming
3. Handles local and permanent files
4. Modes of protection
5. Blocking factor for type/disc
6. Initialization of memory
7. Compatible system calls from application program

Documentation

Transferring a system requires complete and accurate documentation. Documentation should not only stress the program being transferred but should also include: compatibility with the user's software and hardware environment; preparation of data for input; and training or user personnel. The type, kind, and amount of documentation transferred depends on the type of software being transferred, i.e., proprietary vs. non-proprietary. Exhibit C illustrates considerations of appropriate documentation to assure portability of the technology. An example of documentation of a corrections information system is the Basic OBSCIS Software Package Documentation which includes sections on Systems Guidelines, Installation Guide, Operations Manual, System Design Documentation, System Test and Acceptance Plan, State Specific Documentation, and a section for user notes. Each implementing state prepares its own operations documentation.

Exhibit 6.C
Documentation

I. Explanation of non-standard nomenclature (language)
II. Manuals
A. Operator manual
B. Reference manual
C. Installation/conversion procedures
D. Library routines — operator and reference manual
E. Utility routines — operator and reference manual

- F. DBMS—operator and reference manual
- G. I/O devices—operator and reference manual
- H. Debug routines—operator and reference manual
- I. Floating-point—operator and reference manual
- J. Input preparation manual
- K. Training (programmed text, etc.) manuals
- III. Listings (source)
  - A. Transferred program(s)
  - B. Library routines
  - C. Utility routines
  - D. DBMS
  - E. I/O devices
  - F. Debug routines
  - G. Floating-point software
- IV. Flowcharts
  - A. System
  - B. Program
- V. File documentation
- VI. Decision tables

Performance

Evaluating the performance of a transferred program or system includes assessing the impact of the transferred technology on the organization in terms of costs, benefits, and general effectiveness. Evaluating performance is an ongoing process. To assure receipt of a satisfactory performing product, Exhibit D cites considerations that should be observed during the transfer phase and aids to assure satisfactory performance after completion of the transfer.

Exhibit 6.D
Performance

- I. Standard tests available for execution
  - A. At time of delivery
  - B. Each time a change is made to the software
  - C. For use any time the software is malfunctioning
- II. Expected output from standard tests (listings)
- III. Test procedures/manuals
- IV. Error reporting procedure
  - A. Standardized form for reporting errors
  - B. Software maintenance agreement (if necessary)
- V. Performance monitoring
  - A. CPU time to run the program with present amounts of data

Users

A key factor to guarantee success of implementation is to involve the user at each stage of the development and implementation of the transfer process. Exhibit E lists user concerns that need to be recognized to assure successful transfer of computer technology.

Exhibit 6.E
User

- I. Personnel required
  - A. Operator
  - B. Programmer
  - C. Input preparer (code and verify)
- II. Training required
  - A. Operator
  - B. Programmer
  - C. User of report
  - D. Input preparer
- III. Satisfactory error control on
  - A. Input data (editing for legitimate ranges, etc.)
  - B. Operator feedback
  - C. File identification (magnetic tape, disc, stacks of cards)
- IV. Management
  - A. Initial cost includes cost of programs, compilations, conversion and complete checkout, listings, documentation, and assistance to the user for file and program conversion
  - B. Deliverable items:
    documentation specified
    object code in user format
    source code in user format
  - C. Deliverable medium:
    magnetic tape (cartridge, cassette)
    magnetic disc (disc pack, cassette)
    cards (80 col., 51 col., 96 col.)
    other
  - D. Cost (bundled software)
    documentation from design
    programs from host
    personnel from host
    updated software release
    other
  - E. Cost (bundled software)
    documentation
    programs
    updated software releases
  - F. Frequency of software releases
  - G. Conversion/implementation to be performed by the user
  - H. Operational benefits
    - 1. Fewer forms needed
    - 2. Greater access to data and information
    - 3. Faster processing of reports
  - I. Tangible benefits
    - 1. Quicker responses to government and other requests for data
    - 2. Facilitates better and more thorough planning
  - J. Support services for proprietary software
    - 1. Time (days, weeks, etc.) to fix a software problem
    - 2. Frequency of updated versions and supporting documentation
    - 3. Assistance from donor to receiver for writing programs interfacing with the transferred program

Summary

This chapter has attempted to provide an overview of systems transfer technology for persons who are not computer professionals but must be involved in decisions concerning the transfer of systems between installations or the development of a transferable system.

In order to facilitate the transferability of software developed under government contract for corrections installations, the Law Enforcement Assistance Administration and related agencies have indicated the software must be written in standard languages (COBOL, FORTRAN or BASIC) and must follow the Federal Information Processing Standards Publications (FIPS PUB) standards for documentation.

This chapter indicates there are more (and sometimes crucial) dimensions to transferability. First are the concepts of performance, system design and the user. Second is the type of system to be transferred (programs, data, or procedures).

A matrix indicating the type of system to be transferred and general considerations for the transfer is presented in Figure 6.5. This matrix may be used as a guide to help ensure that all relevant and appropriate issues have been considered before making a final decision regarding the transfer.

The matrix may be used as a simple check-off to ensure that the area has been covered; the administrator may also wish to indicate problem areas through the use of subjective probabilities for success. This matrix must be completed for each potential transfer site.

To illustrate the matrix some examples are taken from the test installation of the Basic OBSCIS Software Package in Iowa as they fit the considerations of the exhibits.[11]

Under the headings Hardware/Program some exceptions which required changes rather than checkoff were:

•Character set—(Exhibit A, I.A.). The change from Xerox to IBM hardware would not recognize the character (") double quotation mark which had to be changed to (') single quotation mark.

•Addressing scheme—(Exhibit A, I.I.5). The original design called for relative addressing method and even though the operating system was supposed to support this feature, it did not. The addressing method had to be changed to an index method.

•Magnetic disc—(Exhibit A, I.J.2). Disc space for on-line virtual memory instead of having a dedicated disc drive.

Under the headings Software/Program the changes made in OBSCIS were less a feature of getting the program to run than for greater efficiency. Most size and memory constraints of language compilers apply when going from a large capacity computer to a minicomputer. The Basic OBSCIS package was first programmed on a mini, so compiler peculiarities were rare. The file access method and storage medium were changed to take advantage of increased capacity. This heading also covers job control language (Exhibit B, K 1-3) which is specific to both the hardware and operating system configuration and to the specific site requirements.

Type of Transfer		Transfer Considerations			
	Hardware	Software	Documentation	Performance	User
Program					
Data					
Procedures					

Figure 6.5. Matrix for system transfer considerations

The matrix headings Documentation/Program, Data, and Procedures all required specialized reformatting to cover Iowa user specific requirements in all areas. Documentation of a system to be transferred is the key to successful transfer. Since the Basic OBSCIS Software Package was designed for transfer, the Data and Procedures sections were left blank for user specification.

Under the matrix heading Performance/Program, Iowa experienced much difficulty. Data were impossible to measure for each stage of the transfer because there was no input data included in the original package at time of delivery for benchmark runs. However, such a set of test data now exists for modifications to the software and subsequent transfer installations.

The matrix headings User/Program, Data, Procedures proved to be the most critical considerations in the Iowa transfer project. While training of technical personnel is necessary in any transfer project, other users frequently overlooked are more vital to project success. The system users must be thoroughly trained in the utilization of the input and output procedures of the system or chaos results. Reports must provide operations and management with information to aid in the decision process and the information provided must be valid and accurate. User involvement throughout the project is essential.

Thus the key concepts involving system transfer are then: documentation, standards, performance evaluation, system design, and the user. In order to develop a system that has a high probability of being transferred to different environments with minimum amounts of change and frustration the system should be well documented; use standard languages (e.g., ANSI COBOL), use good state-of-the-art programming practices (top down, structure, separation structuring); use a predictive system design approach; and consider potential users and their requirements.

Although there is a dearth of literature concerning system transfer, even more so with respect to guidelines for noncomputer professionals involved in the transfer of systems, this topic is becoming increasingly popular as the notion of system transfer becomes a potentially viable alternative to "reinventing the wheel" at each installation. A selected bibliography on systems transfer has been included in Exhibit F.

Exhibit F
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[11] Hague and Brown, *op. cit.*

[12] Chapin, Ned, *Computers*, D. Van Nostrand Co. (New York, N.Y., 1971).

[13] In April 1978 the Iowa Department of Social Services, Division of Adult Corrections, was selected by LEAA and SEARCH Group, Inc. to become the first test in a live environment of the Basic OBSCIS Software Package. This package had been prepared to perform three modules of the OBSCIS Model and to allow for the insertion of state specific requirements. Details from the Iowa transfer experience are given to illustrate the matrix (Figure 6.5) in use but the details are simplified.

Chapter 7

Transferable demand information technologies

One objective of this project was to identify useful procedures and technologies which correctional agencies utilize in demand information processing. The purpose of this chapter is to summarize some of these technologies which can be transferred to other correctional agencies.

After conducting telephone conversations with every state correctional agency and visiting seventeen agencies, two conclusions regarding demand information processing appear warranted. First, no single correctional agency has an ideal method for dealing with the *total* demand information problem. Second, several agencies have developed useful procedures and technologies for resolving parts of the problem. Valuable and transferable technologies were identified in the following areas:

- Reports designed for *ad hoc* response
- Routing and logging models
- Automated policy indexing system
- Statistical analysis and report generation software
- Model data bases
- Litigation and data processing
- Transfer experience.

Reports designed for *ad hoc* response

Correctional staff members who routinely respond to demand information requests find that many requests require the same data elements. These elements usually pertain to the number of inmates incarcerated, the cost of providing for inmates, the crimes for which they have been convicted, inmate demographic characteristics, etc. Because of repeated requests for similar information, several correctional agencies have found it expedient to compile very brief statistical reports which present the most commonly requested information. Availability of these reports has significantly saved response time and money.

The South Carolina Department of Corrections produces a ***Population and Fiscal Data*** report. This 5-year report describes the average inmate population and the distribution of funds spent each year including state funds, federal funds, and other revenues. The report also gives the daily and yearly average cost per inmate, comparing the percentage of state funds expended to total funds. The South Carolina Department has found this particular report so helpful in responding to *ad hoc* requests that the report has been described as "chained to the desk" to insure accessibility.

Following similar tactics, the Oregon Corrections Division analyzed the demand information requests it had received over a 2-year period in order to detect patterns and similarities in requests. As a result, the Oregon Division designed two monthly reports which provide response data for an estimated 80 to 90 percent of demand information requests. One report summarizes the inmate population according to the county of commitment, ethnicity, crime type, drug and alcohol treatment, average age, average sentence, and so forth. The second report summarizes new commitments and paroled and discharged inmates by county of commitment. One page of this status report is reproduced in Figure 7.1.

The Texas Department of Corrections produces several reports which are routinely supplied to inquirers. The Department found from experience that these reports provide answers to the majority of requests and eliminate many special computer runs.

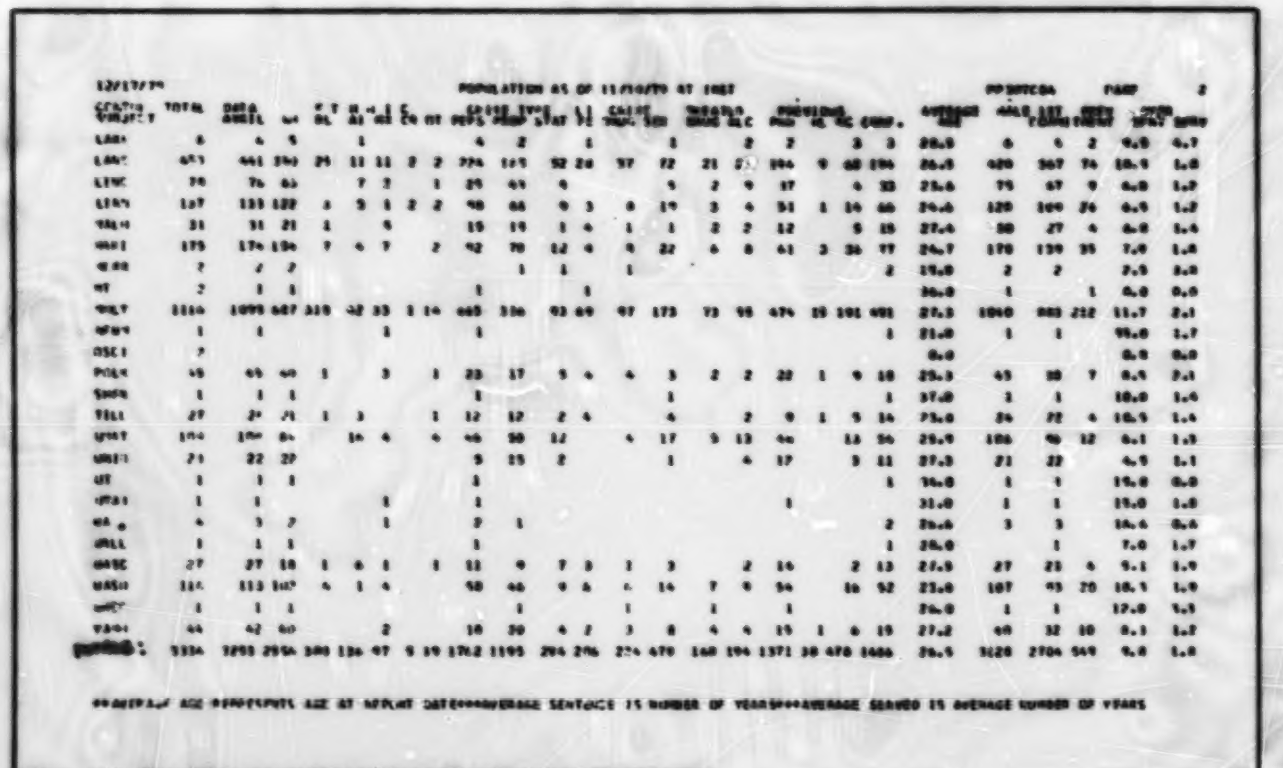


Figure 7.1. Population report, Oregon Corrections Division (reduced copy)

One report is the *Fact Sheet*. A portion of this report is reproduced in Figure 7.2.

The *Fact Sheet* includes the following summary data:

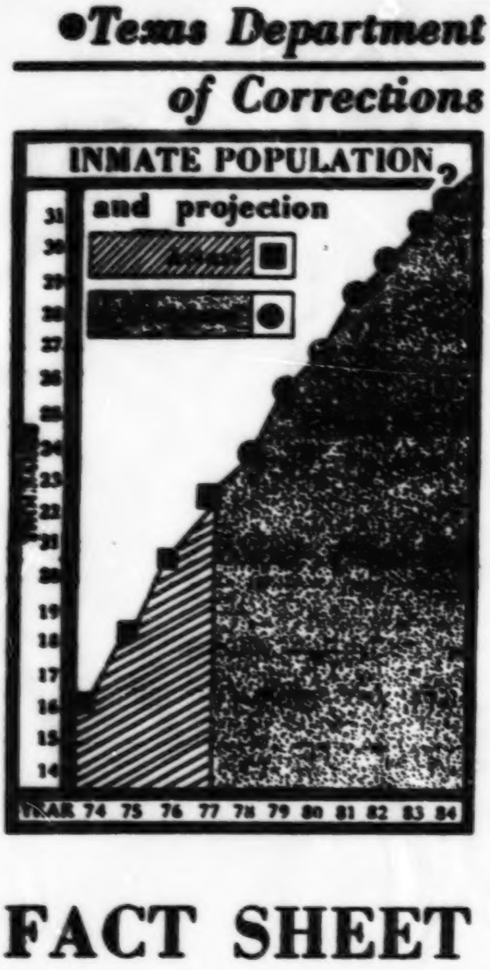
- Population characteristics
    1. number received
    2. paroled
    3. discharged
    4. population by sex
    5. by age
    6. ethnic breakdown
    7. IQ scores
    8. number enrolled in various educational programs
- Major offenses
- Convictions according to Standard Metropolitan Statistical Area
- Prior confinement in the department
- Administrative divisions
- Policy of the department.

Other reports produced by the Texas Department of Corrections include the *Annual Report*, the *Annual Statistical Report*, and *30 Years of Progress*. The *Annual Report* is designed to reflect the administrative and fiscal organization of the agency. This report is produced for the Board of Corrections, the governor, and the legislature but is, of course, available to the public. The *Annual Statistical Report* is a comprehensive document presenting a statistical summary of inmate demographics, those admitted to, released from, and confined in the department during the current calendar year. Examples of the information included in the *Annual Statistical Report* are:

- Texas population compared to crime rate and inmate statistics
- Inmates per 100,000 population by Texas Standard Metropolitan Statistical Areas
- Summary of inmate count by unit
- Population summary
- Comparative statement—inmate cost per day
- Inmates enrolled in the school programs
- Inmates enrolled in the college programs
- Inmate population by sex
- Inmate population fluctuations by month
- Offense breakdown
- Rate of admission by major offense.

The report entitled *30 Years of Progress* traces the historical development of the Texas Department of Corrections from 1947 through 1977. It includes a list of the administrators, board members, and certain staff members involved in the department during this period. The report also chronicles the development of programs and services in the department and the buildings constructed during this period of time.

Correctional agencies concerned with the increasing amounts of agency resources diverted to the demand information process may wish to analyze these excellent reports. These reports illustrate the data most frequently requested and they depict formats for presentation of information.

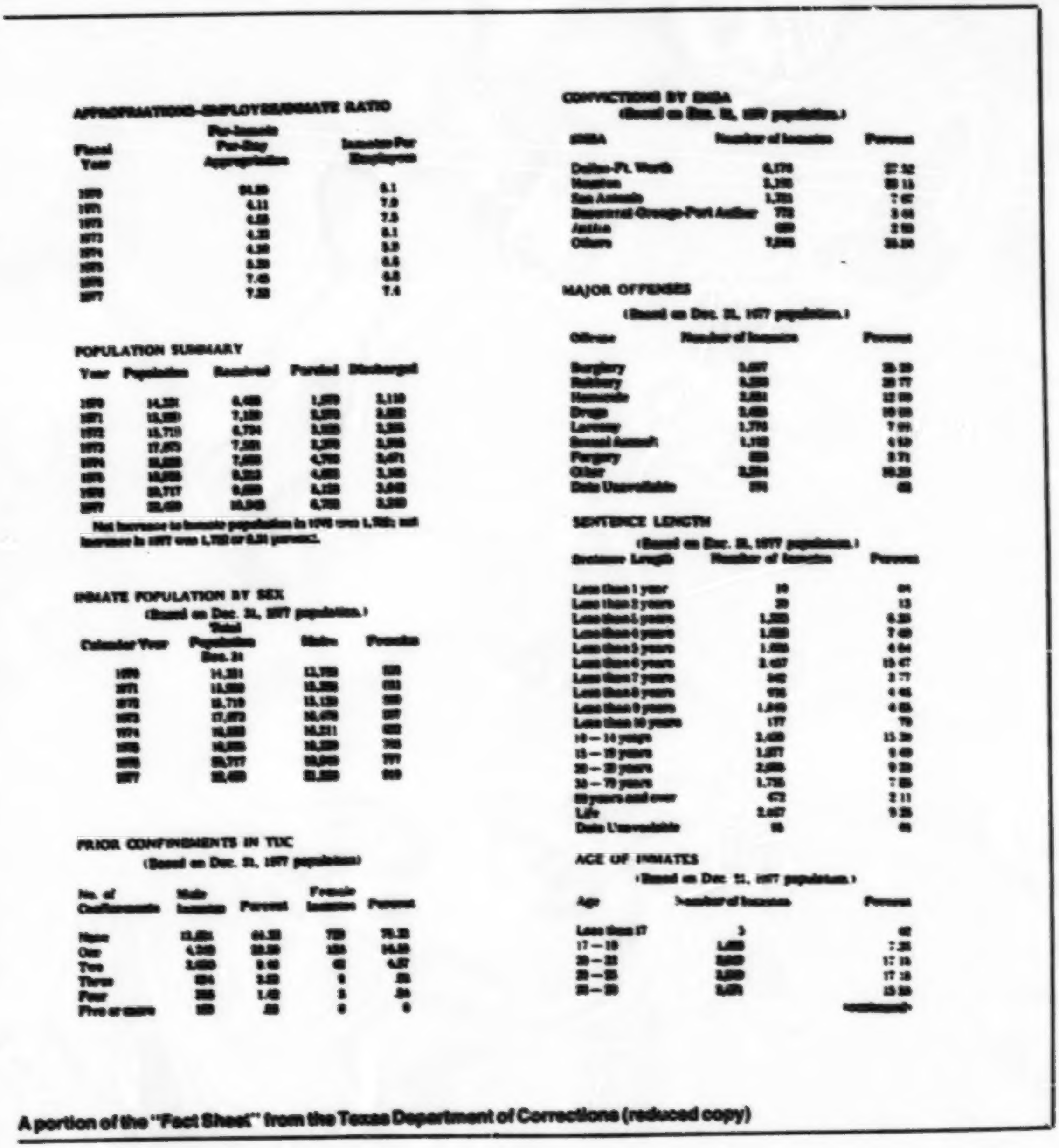


•*Texas Department of Corrections*

FACT SHEET

Figure 7.2.

BEST DOCUMENT AVAILABLE



APPROPRIATIONS-EMPLOYEES/INMATE RATIO

POPULATION SUMMARY

INMATE POPULATION BY SEX
(Based on Dec. 31, 1977 population.)

PRIOR CONFINEMENTS IN TDC
(Based on Dec. 31, 1977 population)

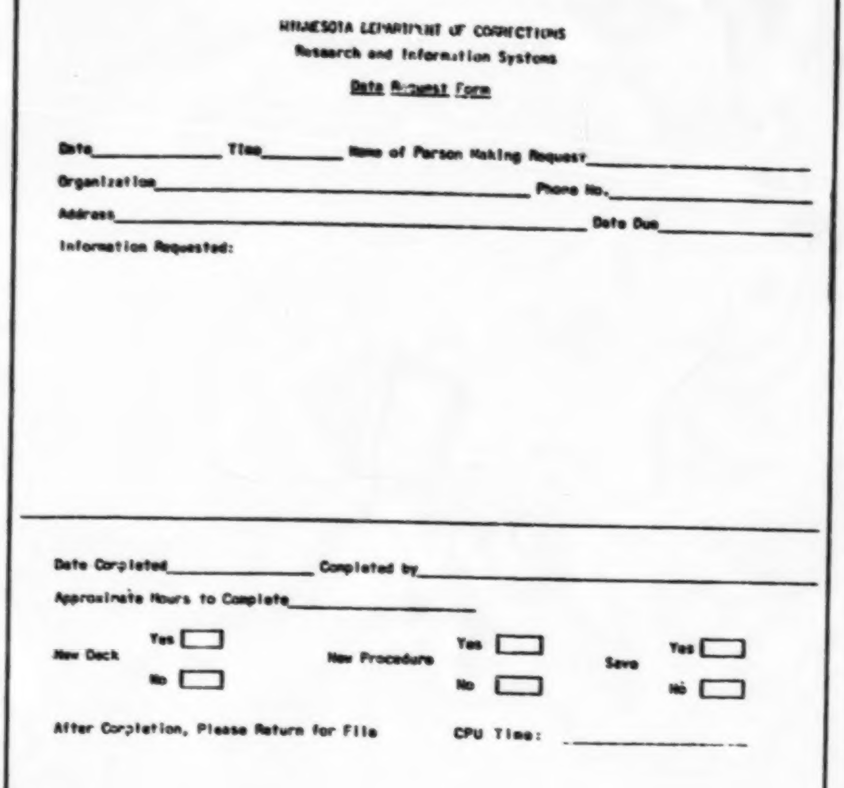
CONVICTIONS BY SMSA
(Based on Dec. 31, 1977 population.)

MAJOR OFFENSES
(Based on Dec. 31, 1977 population.)

SENTENCE LENGTH
(Based on Dec. 31, 1977 population.)

AGE OF INMATES
(Based on Dec. 31, 1977 population.)

A portion of the "Fact Sheet" from the Texas Department of Corrections (reduced copy)



MINNESOTA DEPARTMENT OF CORRECTIONS
Research and Information Systems
Data Request Form

Date__________ Time_______ Name of Person Making Request________________
Organization____________________ Phone No.__________
Address____________________ Date Due__________
Information Requested:

Date Completed__________ Completed by________________
Approximate Hours to Complete__________

New Deck Yes ☐ No ☐ New Procedure Yes ☐ No ☐ Save Yes ☐ No ☐

After Completion, Please Return for File CPU Time: __________

Research
04/04/79

Figure 7.3. Demand information request form used by the Minnesota Department of Corrections (reduced copy)

Routing and logging models

Many obstacles to generating responses to demand information requests originate in the mechanics of receiving and recording the requests. For example:

- Duplicate requests are frequently received in separate units of the agency and elicit duplicate response efforts.
- A request routed to an inappropriate respondent must be reassessed and forwarded.
- An analysis and evaluation of the demand information process requires formal logging.

Key elements in an efficient response process are routing and logging. For the sake of efficiency and accountability the response process must control the routing and logging of the requests received. Duplication of response efforts and misguided use of agency resources must be avoided.

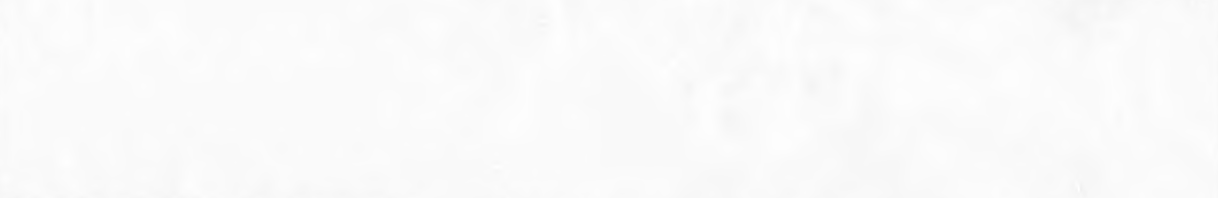
There is a variety of routing and logging methods used throughout the correctional community. The Minnesota Department of Corrections utilizes a model in which all requests for information are initially routed to one office in the research section. A "Data Request Form" serves as the log record (see Figure 7.3). The person assigned to answer the request is usually a member of the research staff unless there are others better qualified to respond.

In the Oregon Corrections Division all requests for information requiring computer assistance are routed to a policy committee. The committee consists of all division administrators, and together they decide policy issues involved in developing the response. Examples of these issues are:

- Who will have access to the information?
- What is the priority of the request?
- Whether or not a charge will be assessed for the information?

Decisions by the committee promote cooperation among the departments. These committee decisions relieve the data processing section of that responsibility and help to ensure consistent and expedient actions by the entire staff.

The logging system used by the Georgia Department of Offender Rehabilitation is automated. The log, on a Univac 1100 System, employs a key word search capability



INFORMATION REQUEST LOG

SOURCE	DATE RECEIVED	INFORMATION REQUESTED	ACTION TAKEN	DATE COMPLETED	MANHOURS REQUIRED

Figure 7.5. Heading from the "Information Request Log," South Carolina Department of Corrections (reduced copy)

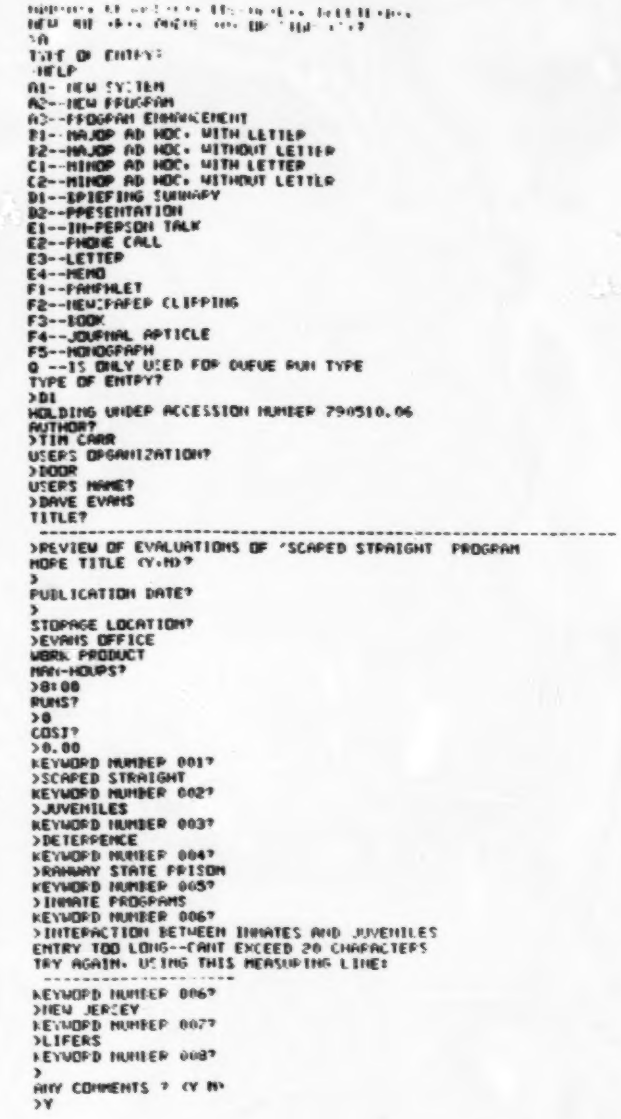
and comment selection. The system records the title, up to 9 key words, 10 statements, the author of the response, the time spent in preparation, the type and location of the report, and the cost of compiling the response. An example of the system's output is contained in Figure 7.4.

Several states have manual logging systems for recording requests and correspondence. The systems usually consist of a columnar ledger with entries for basic information items such as the date received, source of request, description of the request and the individual to whom the request is referred for response.

In addition to these basic entries, some correctional departments add entries which may be of particular benefit to that agency. For example, the log sheet used by the South Carolina Department of Corrections also includes entries for the date the response was completed and the number of man hours consumed (see Figure 7.5). In the California Department of Corrections the log of the Director's correspondence includes many of the demand information requests received by the agency. California classifies its correspondence into approximately 15 subject areas with the log sheet recording the subject code number, designated respondent, date due and date mailed (Figure 7.6). Log sheets for the Maine Department of Mental Health and Corrections are exceptionally comprehensive. They record the date in, nature of request, date due, date of response, time spent in preparation, source of data, comments, outside contact people, and folder number of response.

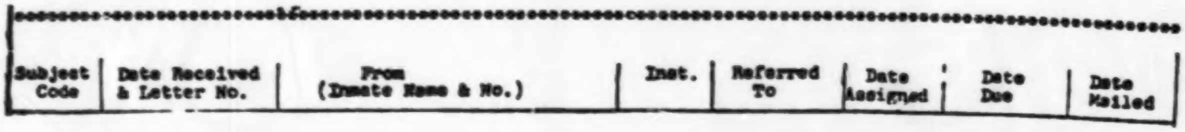
These routing and logging models are transferable to other correctional agencies with needs in those areas, although some elements of these models should be designed to fit each agency's unique requirements. The transferable elements of these routing and logging methods, include:

- Routing methods
  - —routed to one office (Minnesota)
  - —routed to policy committee (Oregon)
- Logging techniques
  - —automated log (Georgia)
  - —manual recording (California, Maine, South Carolina)



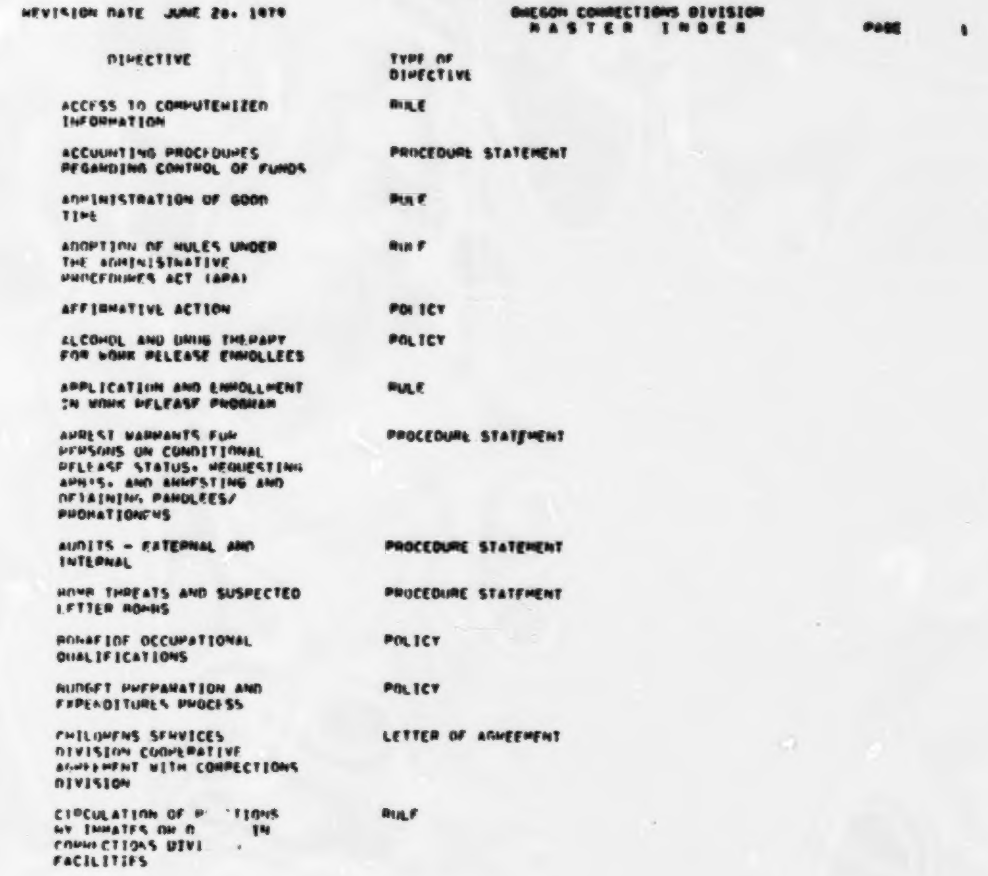
```
[illegible]
[illegible]
>A
TYPE OF ENTRY?
>HELP
A1- NEW SYSTEM
A2--NEW PROGRAM
A3--PROGRAM ENHANCEMENT
B1--MAJOR AD HOC, WITH LETTER
B2--MAJOR AD HOC, WITHOUT LETTER
C1--MINOR AD HOC, WITH LETTER
C2--MINOR AD HOC, WITHOUT LETTER
D1--BRIEFING SUMMARY
D2--PRESENTATION
E1--IN-PERSON TALK
E2--PHONE CALL
E3--LETTER
E4--MEMO
F1--PAMPHLET
F2--NEWSPAPER CLIPPING
F3--BOOK
F4--JOURNAL ARTICLE
F5--MONOGRAPH
Q --IS ONLY USED FOR QUEUE RUN TYPE
TYPE OF ENTRY?
>D1
HOLDING UNDER ACCESSION NUMBER 790510.06
AUTHOR?
>TIM CARR
USERS ORGANIZATION?
>DOOR
USERS NAME?
>DAVE EVANS
TITLE?
 -------------------------------------------------------------
>REVIEW OF EVALUATIONS OF 'SCARED STRAIGHT  PROGRAM
MORE TITLE (Y,N)?
>
PUBLICATION DATE?
>
STORAGE LOCATION?
>EVANS OFFICE
WORK PRODUCT
MAN-HOURS?
>8:00
RUNS?
>0
COST?
>0.00
KEYWORD NUMBER 001?
>SCARED STRAIGHT
KEYWORD NUMBER 002?
>JUVENILES
KEYWORD NUMBER 003?
>DETERRENCE
KEYWORD NUMBER 004?
>RAHWAY STATE PRISON
KEYWORD NUMBER 005?
>INMATE PROGRAMS
KEYWORD NUMBER 006?
>INTERACTION BETWEEN INMATES AND JUVENILES
ENTRY TOO LONG--CANT EXCEED 20 CHARACTERS
TRY AGAIN, USING THIS MEASURING LINE:
 --------------------
KEYWORD NUMBER 006?
>NEW JERSEY
KEYWORD NUMBER 007?
>LIFERS
KEYWORD NUMBER 008?
>
ANY COMMENTS ? (Y N)
>Y
```

Figure 7.4. Example of output from the automated logging system, Georgia Department of Offender Rehabilitation (reduced copy)



Subject Code	Date Received & Letter No.	From (Inmate Name & No.)	Inst.	Referred To	Date Assigned	Date Due	Date Mailed

Figure 7.6. Heading from the log of the Director's Correspondence, California Department of Corrections (reduced copy)



```
REVISION DATE  JUNE 20, 1979                              OREGON CORRECTIONS DIVISION
                                                            M A S T E R   I N D E X            PAGE      1

         DIRECTIVE                          TYPE OF
                                            DIRECTIVE

     ACCESS TO COMPUTERIZED                 RULE
     INFORMATION

     ACCOUNTING PROCEDURES                  PROCEDURE STATEMENT
     REGARDING CONTROL OF FUNDS

     ADMINISTRATION OF GOOD                 RULE
     TIME

     ADOPTION OF RULES UNDER                RULE
     THE ADMINISTRATIVE
     PROCEDURES ACT (APA)

     AFFIRMATIVE ACTION                     POLICY

     ALCOHOL AND DRUG THERAPY               POLICY
     FOR WORK RELEASE ENROLLEES

     APPLICATION AND ENROLLMENT             RULE
     IN WORK RELEASE PROGRAM

     ARREST WARRANTS FOR                    PROCEDURE STATEMENT
     PERSONS ON CONDITIONAL
     RELEASE STATUS, REQUESTING
     APB'S, AND ARRESTING AND
     OBTAINING PAROLEES/
     PROBATIONERS

     AUDITS - EXTERNAL AND                  PROCEDURE STATEMENT
     INTERNAL

     BOMB THREATS AND SUSPECTED             PROCEDURE STATEMENT
     LETTER BOMBS

     BONAFIDE OCCUPATIONAL                  POLICY
     QUALIFICATIONS

     BUDGET PREPARATION AND                 POLICY
     EXPENDITURES PROCESS

     CHILDRENS SERVICES                     LETTER OF AGREEMENT
     DIVISION COOPERATIVE
     AGREEMENT WITH CORRECTIONS
     DIVISION

     CIRCULATION OF P[illegible]TIONS       RULE
     BY INMATES ON O[illegible] IN
     CORRECTIONS DIVI[illegible].
     FACILITIES
```

Figure 7.7. Computerized Master Index, Oregon Division of Corrections (reduced copy)

Automated policy indexing system

The content analysis of demand information requests discussed previously indicates that requests concerning agency policy constitute the third most frequent request received by correctional agencies. There are two problems in responding to such requests:

•The policy in question may not exist in written form.

•The person answering the request may not be fully informed about all the agency's policies.

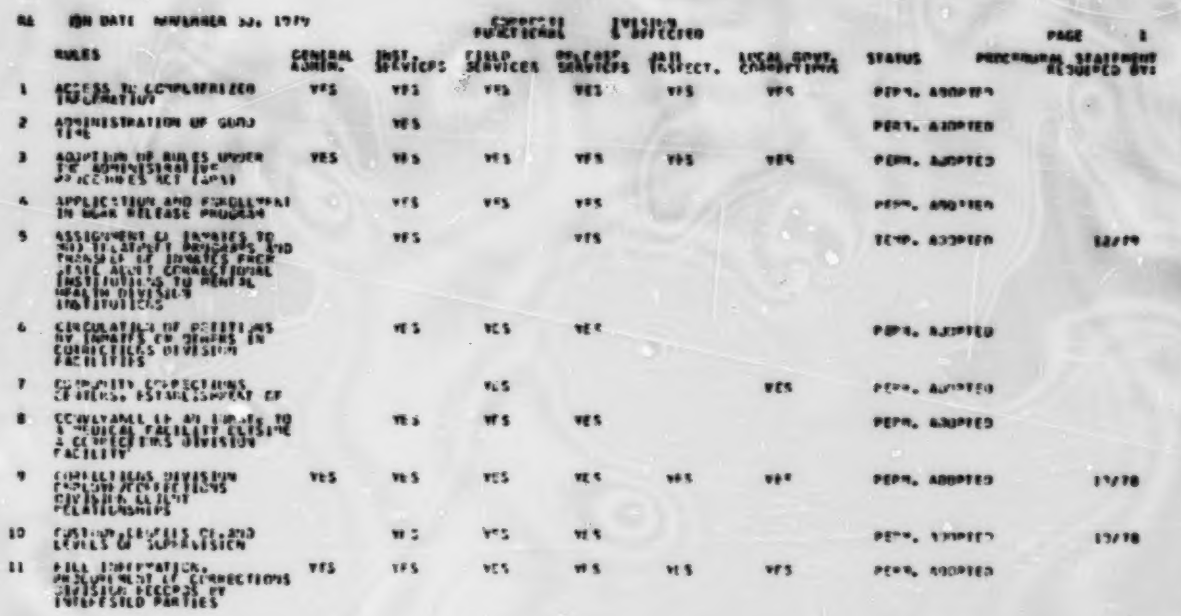
Many agencies are ill-prepared to respond to questions about their policies. Until recently, some correctional agencies were exempt from state laws requiring formal policy development (review through public hearing, legislative committees, etc). This exemption has been recently revoked in many such states (e.g., Wisconsin) and these agencies are now faced with the task of formulating formal policy statements for all aspects of agency operations. Other correctional agencies have been slow to develop and document policies and procedural rules. The lack of formal policy statements and the resulting inconsistency of administrative procedure has caught the critical eye of the courts, bringing about charges of arbitrary and capricious action on the part of correctional administrators.

In some correctional agencies, particularly administratively large and complex agencies, it is difficult for the respondent to be fully informed about the policies of all agency sections. The respondent may not know if a specific policy exists, if there is a formal statement of it, if the statement is current, who is responsible for enforcing the policy and who is affected by the policy.

The Oregon Corrections Division has developed an automated policy index system which significantly expedites the process of responding to policy requests. This system is a good candidate for transfer to other institutions. In Oregon, all correctional policies, procedures, rules and letters of agreement governing administration are published and bound in separate volumes. A computerized master index of all policy statements includes an alphabetical listing of each policy and its status as either a letter of agreement, agency rule, policy, or procedure. This index also includes the date of last revision so the staff member answering the request can check the currency of the policy.

An index for each volume (i.e., policy, rules, etc.) has also been computerized and this index indicates which areas of agency administration are affected by each directive. The index includes the date the policy or rule becomes effective. In this case, Oregon's computer is used like a word processor for agency policy. The system allows quick and easy index updating and provides printed copies of all indices for distribution throughout the agency. Examples of the output of the Oregon automated policy indexing system are provided in Figures 7.7 and 7.8.

Various aspects of this automated policy indexing system are transferable to agen-



RL RUN DATE NOVEMBER 30, 1979 CORRECTIONS FUNCTIONAL DIVISION AFFECTED PAGE 1

	RULES	GENERAL ADMIN.	INST. SERVICES	FIELD SERVICES	RELEASE SERVICES	JAIL INSPECT.	LOCAL GOVT. CORRECTIONS	STATUS	PROCEDURAL STATEMENT REQUIRED BY
1	ACCESS TO COMPUTERIZED INFORMATION	YES	YES	YES	YES	YES	YES	PERM. ADOPTED	
2	ADMINISTRATION OF GOOD TIME		YES					PERM. ADOPTED	
3	ADOPTION OF RULES UNDER THE ADMINISTRATIVE PROCEDURES ACT (APA)	YES	YES	YES	YES	YES	YES	PERM. ADOPTED	
4	APPLICATION AND ENROLLMENT IN WORK RELEASE PROGRAM		YES	YES	YES			PERM. ADOPTED	
5	ASSIGNMENT OF INMATES TO [illegible] TREATMENT PROGRAMS AND TRANSFER OF INMATES FROM STATE ADULT CORRECTIONAL INSTITUTIONS TO MENTAL HEALTH DIVISION INSTITUTIONS		YES		YES			TEMP. ADOPTED	12/79
6	CIRCULATION OF PETITIONS BY INMATES OR OTHERS IN CORRECTIONS DIVISION FACILITIES		YES	YES	YES			PERM. ADOPTED	
7	COMMUNITY CORRECTIONS CENTERS, ESTABLISHMENT OF			YES			YES	PERM. ADOPTED	
8	CONVEYANCE OF AN INMATE TO A MEDICAL FACILITY OUTSIDE A CORRECTIONS DIVISION FACILITY		YES	YES	YES			PERM. ADOPTED	
9	CORRECTIONS DIVISION EMPLOYEE/CORRECTIONS DIVISION CLIENT RELATIONSHIPS	YES	YES	YES	YES	YES	YES	PERM. ADOPTED	12/78
10	CUSTODY LEVELS OF, AND LEVELS OF SUPERVISION		YES	YES	YES			PERM. ADOPTED	12/78
11	FILE INFORMATION, PROCUREMENT OF CORRECTIONS DIVISION RECORDS BY INTERESTED PARTIES	YES	YES	YES	YES	YES	YES	PERM. ADOPTED	

Figure 7.8. Computerized Index to Volume on Rules, Oregon Division of Corrections (reduced copy)

cies experiencing response difficulties to policy. Obviously, the idea of assembling all policies into a single source and indexing policies by administrative area is wise. In addition, the system concepts are transferable as are various aspects of the output design.

Statistical analysis and report generation software

Statistical analysis and report generation technologies are frequently required to respond to demand information requests. To meet these programming needs, correctional agencies either design in-house statistical and report generation packages or acquire commercial packages to perform these functions.

Unfortunately these programming resources do not solve all software problems in responding to *ad hoc* requests. In-house programs are limited by the ability of the agency staff to design and maintain software. Also, in-house programs are usually designed for a specific function and are less generalizable to the range of capabilities required for demand information processing.

Commercial packages also have limitations. Correctional agencies may report that such packages are available when actually access to them is through an outside agency. Access may be via the state data center or the computer facilities of a university. To make use of each package in these situations, the agency must make a tape of the data and transfer the tape to the other facility. Another problem with commercial packaging is that the file structure of the agency data base may not fit the configuration requirements of the report generation or statistical software packages. In these instances the agency must manipulate the data before these packages can be used. The extra cost of running commercial packages is a further consideration. These resource packages are technically available in the correctional community but practically the use of them is very restricted.

To counteract restrictions imposed by commercial packages and to reduce costs, agencies have supplemented in-house programming by designing complete retrieval packages, or refining the applications of the commercial packages. For example, the Ohio Department of Corrections has developed in-house an EXTRACT program for retrieval and listing. The program extracts those data elements from the database that are needed for the response so that other analyses may be performed on only those selected elements rather than against the total database. This procedure reduces the computer time necessary for the analysis and saves the agency time and money.

Sophisticated statistical analysis packages such as SPSS and SAS are not cost beneficial when the most frequent applications are limited to cross tabulations of two or three data elements. The Ohio Department has developed a CROSSTAB program to perform this cross tabulation function in place of a complete statistical package. This program is frequently used with the data elements selected by the EXTRACT program. Data elements that are repeatedly used in analyses are extracted and stored on a separate file for a limited time rather than being extracted for each application. Both of these programs, the EXTRACT and CROSSTAB, are designed for use by nontechnical personnel from remote terminals. The programs are interactive and easy to use.

The Georgia Department of Offender Rehabilitation is operating an in-house developed report generation package—Golden Retriever. In addition to performing the functions of a report generator, such as retrieving the necessary data elements from the data base and formatting the report, Golden Retriever outputs the computer time and cost for each application of the package. Knowledge of the time and cost involved in the response is essential for planning and managing a demand information process. The Georgia package, designed to operate on the Univac 1100 series, is restricted to a single file structure and a fixed length record. It is used daily in the Georgia Department for special runs and for some standard reports.

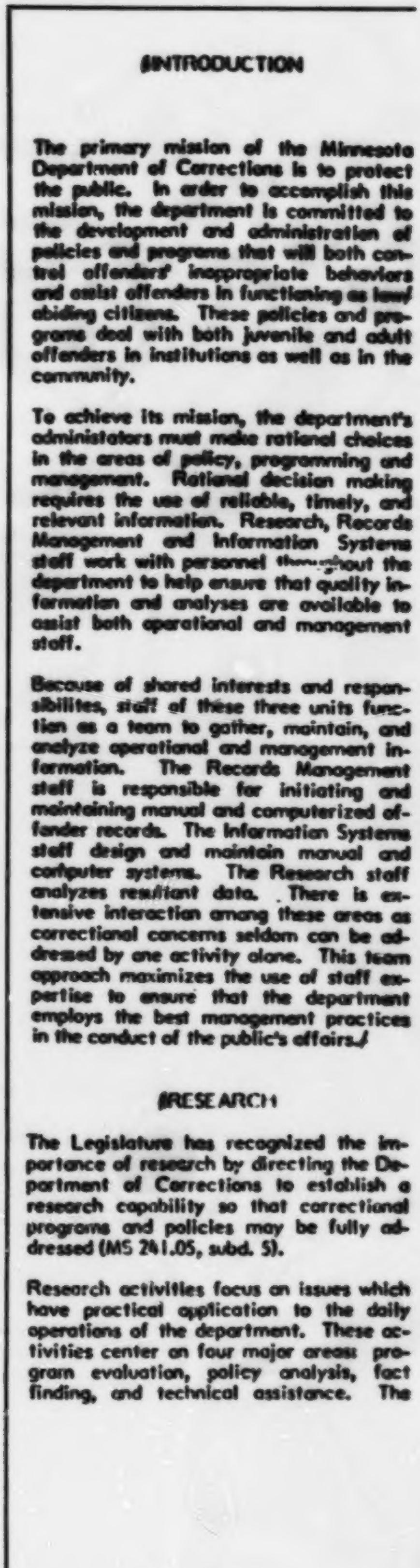
Other agencies using MARK IV, a commercial report generation package, have taken advantage of its capacity for accommodating multiple requests in one computer run. Up to 256 sets of logic can be processed in one pass of the data base. Nine different reports can be formatted from one set of logic inputs and multiple files can be coordinated. The Virginia Department of Corrections combines all information requests into two MARK IV computer runs per week and has significantly reduced the analysis costs of the agency. The Ohio Youth Commission makes similar use of MARK IV. They estimate that MARK IV is used in over 90% of their special requests.

Model data bases

The quality of an agency's data base is determined by the amount of data collected and the accuracy of the data maintained. The data base of the Minnesota Department of Corrections has both data element breadth and is highly reliable. Demand information requests received by this agency are rarely, if ever, denied for lack of information.

The Minnesota agency's Research and Information Systems "Activity Report" for July 1979 describes the information systems of the agency. The report includes an enumeration of the systems which are currently active, the systems currently being developed, the new systems which will soon become integrated parts of the Corrections Management Information System, and system enhancements designed to better satisfy user needs. Figure 7.9 presents the details of this report. The reader should note that the chronological file included as part of the offender tracking system has more applications than merely recording the movement and actions of the offender. Each inmate action, such as program participation, work history while in prison, disciplinary actions, etc., can be pulled from the chronological file and organized into a complete record of all occurrences of that one activity.

The comprehensive nature of the Minnesota data base enables the agency to be responsive to nearly all the information needs of the agency. The files are maintained on an IBM 370 series computer in the state data processing center.



$INTRODUCTION

The primary mission of the Minnesota Department of Corrections is to protect the public. In order to accomplish this mission, the department is committed to the development and administration of policies and programs that will both control offenders' inappropriate behaviors and assist offenders in functioning as law/abiding citizens. These policies and programs deal with both juvenile and adult offenders in institutions as well as in the community.

To achieve its mission, the department's administators must make rational choices in the areas of policy, programming and management. Rational decision making requires the use of reliable, timely, and relevant information. Research, Records Management and Information Systems staff work with personnel throughout the department to help ensure that quality information and analyses are available to assist both operational and management staff.

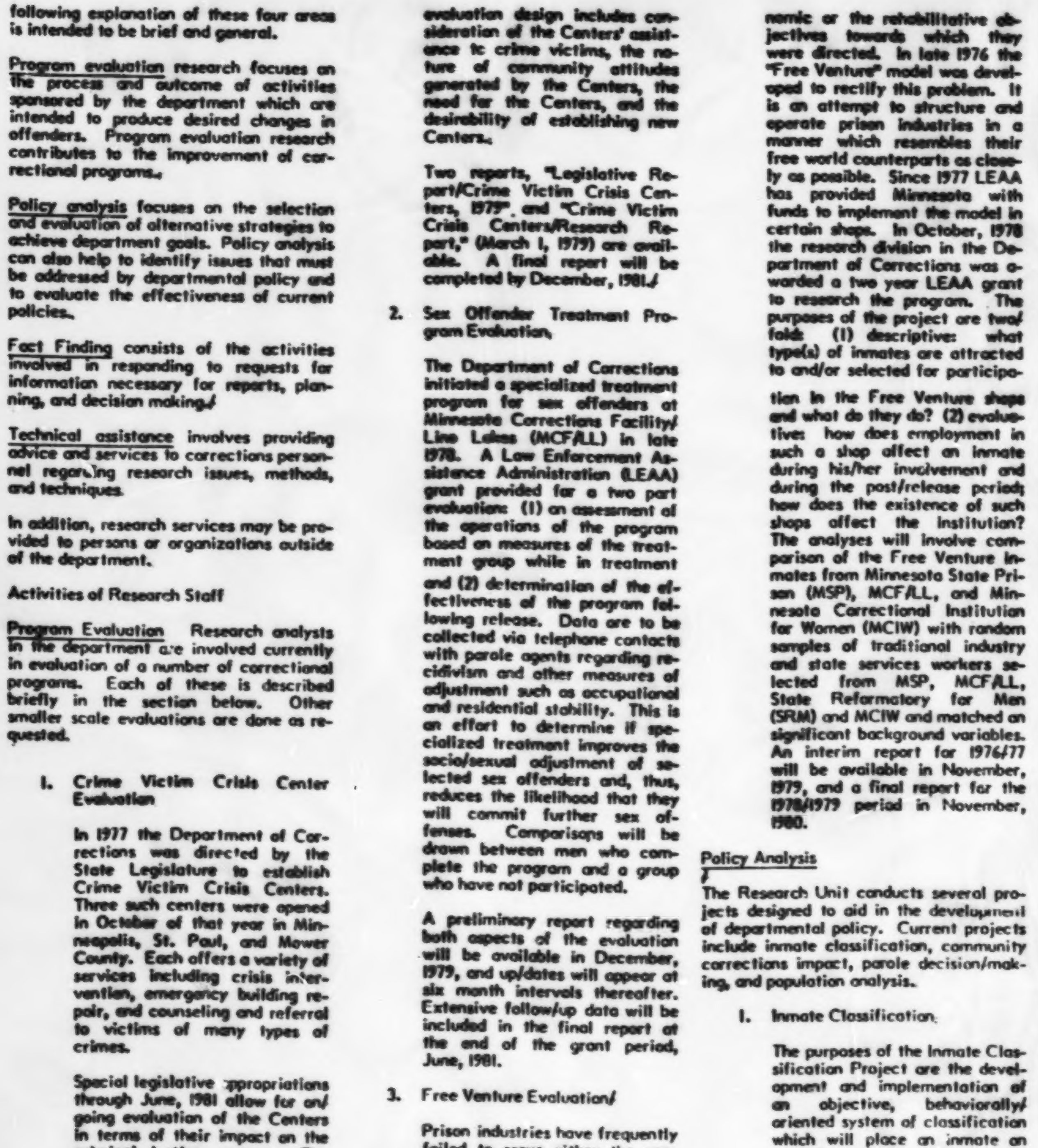
Because of shared interests and responsibilites, staff of these three units function as a team to gather, maintain, and analyze operational and management information. The Records Management staff is responsible for initiating and maintaining manual and computerized offender records. The Information Systems staff design and maintain manual and computer systems. The Research staff analyzes resultant data. There is extensive interaction among these areas as correctional concerns seldom can be addressed by one activity alone. This team approach maximizes the use of staff expertise to ensure that the department employs the best management practices in the conduct of the public's affairs./

$RESEARCH

The Legislature has recognized the importance of research by directing the Department of Corrections to establish a research capability so that correctional programs and policies may be fully addressed (MS 241.05, subd. 5).

Research activities focus on issues which have practical application to the daily operations of the department. These activities center on four major areas: program evaluation, policy analysis, fact finding, and technical assistance. The

Figure 7.9.



following explanation of these four areas is intended to be brief and general.

Program evaluation research focuses on the process and outcome of activities sponsored by the department which are intended to produce desired changes in offenders. Program evaluation research contributes to the improvement of correctional programs.

Policy analysis focuses on the selection and evaluation of alternative strategies to achieve department goals. Policy analysis can also help to identify issues that must be addressed by departmental policy and to evaluate the effectiveness of current policies.

Fact Finding consists of the activities involved in responding to requests for information necessary for reports, planning, and decision making./

Technical assistance involves providing advice and services to corrections personnel regarding research issues, methods, and techniques.

In addition, research services may be provided to persons or organizations outside of the department.

Activities of Research Staff

Program Evaluation Research analysts in the department are involved currently in evaluation of a number of correctional programs. Each of these is described briefly in the section below. Other smaller scale evaluations are done as requested.

1. Crime Victim Crisis Center Evaluation

In 1977 the Department of Corrections was directed by the State Legislature to establish Crime Victim Crisis Centers. Three such centers were opened in October of that year in Minneapolis, St. Paul, and Mower County. Each offers a variety of services including crisis intervention, emergency building repair, and counseling and referral to victims of many types of crimes.

Special legislative appropriations through June, 1981 allow for on/going evaluation of the Centers in terms of their impact on the criminal justice system. The evaluation design includes consideration of the Centers' assistance to crime victims, the nature of community attitudes generated by the Centers, the need for the Centers, and the desirability of establishing new Centers.

Two reports, "Legislative Report/Crime Victim Crisis Centers, 1979", and "Crime Victim Crisis Centers/Research Report," (March 1, 1979) are available. A final report will be completed by December, 1981./

2. Sex Offender Treatment Program Evaluation

The Department of Corrections initiated a specialized treatment program for sex offenders at Minnesota Corrections Facility/Lino Lakes (MCF/LL) in late 1978. A Law Enforcement Assistance Administration (LEAA) grant provided for a two part evaluation: (1) an assessment of the operations of the program based on measures of the treatment group while in treatment and (2) determination of the effectiveness of the program following release. Data are to be collected via telephone contacts with parole agents regarding recidivism and other measures of adjustment such as occupational and residential stability. This is an effort to determine if specialized treatment improves the socio/sexual adjustment of selected sex offenders and, thus, reduces the likelihood that they will commit further sex offenses. Comparisons will be drawn between men who complete the program and a group who have not participated.

A preliminary report regarding both aspects of the evaluation will be available in December, 1979, and up/dates will appear at six month intervals thereafter. Extensive follow/up data will be included in the final report at the end of the grant period, June, 1981.

3. Free Venture Evaluation/

Prison industries have frequently failed to serve either the economic or the rehabilitative objectives towards which they were directed. In late 1976 the "Free Venture" model was developed to rectify this problem. It is an attempt to structure and operate prison industries in a manner which resembles their free world counterparts as closely as possible. Since 1977 LEAA has provided Minnesota with funds to implement the model in certain shops. In October, 1978 the research division in the Department of Corrections was awarded a two year LEAA grant to research the program. The purposes of the project are two/fold: (1) descriptive: what type(s) of inmates are attracted to and/or selected for participation in the Free Venture shops and what do they do? (2) evaluative: how does employment in such a shop affect an inmate during his/her involvement and during the post/release period; how does the existence of such shops affect the institution? The analyses will involve comparison of the Free Venture inmates from Minnesota State Prison (MSP), MCF/LL, and Minnesota Correctional Institution for Women (MCIW) with random samples of traditional industry and state services workers selected from MSP, MCF/LL, State Reformatory for Men (SRM) and MCIW and matched on significant background variables. An interim report for 1976/77 will be available in November, 1979, and a final report for the 1978/1979 period in November, 1980.

Policy Analysis

The Research Unit conducts several projects designed to aid in the development of departmental policy. Current projects include inmate classification, community corrections impact, parole decision/making, and population analysis.

1. Inmate Classification

The purposes of the Inmate Classification Project are the development and implementation of an objective, behaviorally/oriented system of classification which will place an inmate on one of the four security levels

The "Activity Report" from the Minnesota Department of Corrections describing the research and information systems (reduced copy) maintained by the Department of Corrections. Information used in making initial classification and re/classification decisions will include the inmate's prior criminal conviction history, prior incarceration history, disciplinary record during prior incarcerations, commitment offenses, and disciplinary record during the current incarceration.

The project is funded by the National Institute of Corrections and is scheduled for completion in December, 1979. A preliminary report describing the structure of the classification system and the appropriate decision criteria has been produced.

2. Community Corrections Impact Study

   The Impact Study involves the collection and analysis of data on sentencing patterns in the district and juvenile courts of counties participating in the Community Corrections Act, which was passed by the Minnesota Legislature in 1973. The data on sentencing patterns are collected for the purpose of providing decision/makers with information on the extent to which any changes in the proportions of adult and juvenile offenders committed to state institutions can be attributed to participation in the Community Corrections Act. Further, the data provide information on any changes in local sentencing patterns.

   The Impact Study is an ongoing project. An interim report was produced in 1977, and graphs and tables on sentencing patterns are periodically up/dated.

3. Parole Decision/Making

   The Parole Decision/Making Study involves the collection of information on the use of the parole decision/making guidelines (parole "matrix") used by the Minnesota Corrections Board in determining parole eligibility. This information includes the tabulation of risk and severity levels of inmates receiving a new admission hearing, months of incarceration assigned by the board, and the numbers and types of departures made from the guidelines.

   The purpose of the project is to provide an ongoing monitoring of the Minnesota Corrections Board decisions and the extent to which they adhere to the guidelines. The study also provides data on the expected time inmates will serve. These data are useful for projecting future changes in institutional populations.

   The study is ongoing, and reports are currently available on Target Release Date (TRD) decisions in 1977 and 1978, and on guideline departures for these same years.

4. Population Analysis

   Population Analysis covers a variety of both long/term and short/term projects. It is designed to aid decision/makers in the department in planning for effective utilization of resources. Population projection studies are completed and disseminated as needed for planning. Demographic profiles of the institutional populations may be produced periodically to examine such factors as race and age configurations and their impact upon the various institutional programs either being offered or considered.

Fact Finding

The Research Unit responds to data requests primarily from other units in the Department of Corrections. Examples of data recently requested include: the number of inmates at SRM under the age of twenty/one who do not have a high school diploma; the number of incarcerated veterans; the current agent for offenders released from Minnesota correctional institutions.

If the information requested is not currently available on the computerized Corrections Management Information System (CMIS), the Research Unit may also collect data from inmate base files and other sources. Examples include data on incarcerated women offenders (requested for planning purposes) and the monthly segregation report, which tabulates inmates' days in segregation. The Unit also responds to numerous national surveys sent to the department.

Technical Assistance

Not all research activity engaged in by the Department of Corrrections is done directly by the Research Unit. The Research Unit has the responsibility of reviewing all research activities under the management of other Department of Corrections units and, when necessary, rendering advice and technical assistance. Technical assistance can take the following forms: reviewing and advising on research goals and methodology, helping design data collection forms, performing data processing, and assisting in data analysis.

Research review and technical assistance are provided in the following contexts:

Major studies and evaluations of correctional programs are occasionally funded by the department by grant or sub/contract and conducted by outside firms or agencies. The Research Unit will review research components of such grants and sub/contracts for measurability of goals and objectives, appropriateness of research methodology, and potential usefulness of any research findings. One such project currently in progress is the Maximum Security Prison Transition Study funded by the National Institute of Corrections.

The department also has the responsibility under the Community Corrections Act (CCA) of reviewing and monitoring local CCA unit research plans and activities.

All units within the department may request assistance in developing surveys or questionnaires or may request data processing services. In the past, the Research Unit has helped Personnel and Community Services as well as the institutions with special projects. The Research Unit helps the Victim Services Division and the Serious Juvenile Offender Program. Technical assistance is also being provided to the correctional industries program.

Future Plans

Research activities also include planning future research. Proposals may be developed to answer questions posed by Department of Corrections administrators to aid in planning for new facilities or programs, or to assess the impact of past policy changes. Plans may include projects to be done by the current research staff and resources or, for larger studies, may in addition involve outside funding sources.

Figure 7.9. (continued)

Two new projects will be initiated during the next six months.

1. Community Corrections Act Evaluation

   A new Community Corrections Act evaluation will go beyond the current impact study. The study may address such issues as costs, social control, equalization formula, and the impact on state and local correctional facilities. Current staff will be involved in the project while efforts are made to obtain additional funding.

2. Institutional Usage

   This study will develop a plan for the integrated use of the department's correctional institutions.

   Other smaller scale projects will be developed to meet department needs.

RECORDS MANAGEMENT

Responsibility for maintaining central records rests with the Records Unit of the Department of Corrections. The chief clientele using this data are Department of Corrections staff, law enforcement agencies, and state and federal agencies.

Records Management is designed to coordinate, standardize, and systematize the storage, retrieval, retention, and disposition of records maintained within the state correctional system. It also determines the most economical and effective methods of records control.

Records are managed and maintained in computerized, microfilmed, and manual files for the Corrections Management Information System (CMIS), Criminal Justice Reporting System (CJRS), Computerized Criminal History (CCH), and County Juvenile Court Report (CJC), systems. The Unit maintains complete and up-to-date records for ready information retrieval. All data are maintained in accordance with Minnesota statutes governing records retention, disposition, access, and dissemination.

INFORMATION SYSTEMS

More than 2000 pieces of information about offenders in the seven Minnesota correctional facilities are generated each day. Information is also generated by the 87 counties of the State. Minnesota law (Chapter 241.06) requires that this information be recorded, organized, and reported for each individual on a coordinated statewide basis. The Information Systems Unit was established to perform these information functions quickly, accurately, and economically. Information Systems provides modern communication, information processing, and data storage for institution, field services, and community programs. Coordination is provided with state agencies, and other state and federal criminal justice data systems. The Information Systems Unit provides the means and technical staff to:

- Aid operational units plan systems to meet their needs.
- Analyze current systems and needs
- Design new approaches to meet identified needs
- Assure the systems meet user needs
- Modify and enhance systems as needs change
- Train operating staff in system operation and use
- Plan for future modification and enhancements as new technologies become available
- Assure systems function efficiently and effectively

Systems Management

Systems management is the ongoing supervising and maintenance of an operating system. This includes modifications to the system and accompanying documentation, updating procedures and related training.

The following systems are currently active:

1. Offender Tracking System

   The Corrections Management Information System (CMIS) is an online data base system. Data are entered into terminals for transmission to a central computer where they are immediately available for use.

   CMIS Data Base Files:

   Master Index File

   The purpose of the Master Index File is to provide a means of recording and maintaining historical name identification data on offenders.

   Identification File

   The identification file contains information regarding an offender's status, living and work assignments, hearing actions and demographics.

   Offense File

   The offense file contains information regarding the sentence(s) and offense(s) for which a specific offender has been committed.

   Visitor File

   The visitor file contains information on offender's visitors, and those individuals banned from visiting.

   Chronological File

   The chronological file contains information on movement and actions taken regarding an offender. The chronological file reflects these events in chronological order.

2. Jails and Lockup Systems

   The jails and lockup system contains data on each individual adult and juvenile booked and confined at approximately 165 local correctional facilities. Data are entered on site using the state Criminal Justice Network.

3. County Juvenile Court System

   The statewide County Juvenile Court System gathers information from counties regarding individuals receiving dispositions from County Juvenile Courts.

4. **Community Corrections System**

   The Community Corrections System contains information on activities regarding individuals supervised by Community Corrections Act units.

5. **Criminal Justice Communication Network Interfaces**

   A. The Minnesota Criminal Justice Information System (CJIS) provides a means to exchange information statewide on crime and criminals. It also maintains direct computer interfaces with both the National Crime Information Center (NCIC) and the National Law Enforcement Telecommunications Network (NLETS), enabling information access by local, state, and federal law enforcement agencies.

   B. The Criminal Justice Reporting System (CJRS) organizes the collection of statewide criminal justice data for the Uniform Crime Reports (UCR), Computerized Criminal History (CCH), the State Judicial Information System (SJIS), the Correction Management Information System (CMIS), and Local Criminal Justice Information Systems (LCJIS). As a component of this communication network, the Department of Corrections is charged with the responsibility of reporting, through the CJRS, the actions taken regarding individuals in the state's correctional system.

Systems Analysis

Systems Analysis is the study and evaluation of information needs and requirements and the design of a system to meet those needs. Projected benefits, costs, and time schedules are included in the analysis.

The department is currently engaged in four system analysis studies: uniform parole reporting, national prisoner statistics, inmate classification, and industry accounting.

1. **Uniform Parole Reporting**

   The Department is required annually to report parole data to the National Council on Crime and Delinquency. Currently a manual procedure is being utilized to meet these requirements. An analysis is being done to study the possibility of using a computerized method.

2. **National Prisoner Statistics Reporting**

   The department is required annually to report data on admissions and releases to National Prisoner Statistics. An analysis is being conducted to determine if using a computerized method is feasible.

3. **Inmate Classification**

   The Department has requested system support to develop an objective method for determining the security level at which an offender will initially and subsequently be supervised.

4. **Industry Accounting**

   The Department has developed a private industry/Free Venture work program for inmates. An automated industry accounting system is needed to provide management with timely and accurate reports to control the individual work programs.

Systems Design

Systems design begins upon completion of the system analysis. It defines the final system in detail and creates the necessary methods and procedures under which the system will operate

The following systems, which will soon become integrated parts of the Corrections Management Information System are in the design stage:

1. Health care will record and report an mental and physical health assessment and treatments. Basic features include quantification of health care needs, unit scheduling, outside service reporting, and detection of epidemiological trends.
2. Inmate programs will monitor the placement and performance of individual offenders in institution programs.
3. Field service reporting will cover the caseloads, categories of supervision, due dates for progress reports on cases assigned to state agents, CCA county agents, and non/CCA county agents.
4. Interstate Compact reporting will account for offenders from other state and federal jurisdictions.
5. Count control tracks the location of inmates at all times during the day and furnishes reports to support counts by the staff.
6. Discipline reporting will record and maintain information on inmate disciplinary reports, hearings, penalties, and appeals.

System Enhancements

System enhancement is the result of a cooperative effort between users of the system and those responsible for the management of the system. As users define new needs, the needs are analyzed, and enhancements designed and implemented to satisfy the needs.

The following enhancements are currently in design and will be implemented in the third quarter of 1979.

1. Identification, demographics, offense, and chronological response screens are being changed to improve readability.
2. A caseworker code will be added to the offender index report. This report will then become a daily, on/line report.
3. Visitor subsystem responses and reports are being expanded.
4. The CMIS operating manual is being updated, and a CMIS administrative procedures manual is being written.

Figure 7.9. (continued)

Litigation and automated data processing

Civil litigation in corrections has created a great need for information. Adequate information can ease the litigious demands on an agency in two ways. First, information can be used to prevent or remedy situations which could be grounds for law suits, especially civil rights cases challenging the conditions of confinement. Second, information can assist in defending the agency against allegations of wrongdoing.

The number of lawsuits in corrections has reached such proportions that most agencies do not enjoy the luxury of being able to prevent ligitation. Some of these cases are frivolous and are dismissed without going to trial but others represent a potential cost to the state of millions of dollars. In all cases, and especially in those with "high stakes," it is crucial that the correctional agency be represented by the best possible defense. Yet, even the best attorney is powerless without information.

The Texas Department of Corrections is one correctional agency in which information production is recognized as essential in satisfying the legal needs of the agency. In the Texas Department the data processing section is an integral member of the legal team. The Texas Department is exceptionally large, over 27,000 inmates, and is involved in over 600 civil cases at any one time. There is very little information that this agency could furnish about its population without the aid of a computer.

For example, an issue subject to recent litigation was the charge that overcrowded conditions increased disruptive behavior of the inmates. With the assistance of counsel, the research department and data processing section examined the disciplinary reports of inmates living under various conditions of crowding. The analysis included a comparison of the number of disciplinary reports according to the population density of each cell block in each institution. The results indicated that the number of disciplinary reports was related to the age of the inmates and *not* to the density of the population.

Other issues addressed by the agency's counsel with the assistance of the data processing section include:

- Records maintained by the Texas Department of Corrections showed that the parole board was *not* discriminating according to race in granting parole to inmates.
- The computerized information system automatically reports when the racial balance of inmates assigned to jobs exceeds certain specified limits. This insures compliance with a consent decree.
- Personnel records are used to reply to lawsuits involving equal employment opportunity issues.
- Other states' correctional agencies frequently request information from the Texas Department to aid in their own defense efforts.

These examples represent only a cursory look at the role which data processing plays in litigation efforts. The most common legal issues for which the computer is invaluable involve comparisons of inmate demographic and legal characteristics. Examples are such items as the length of sentence, housing and job assignments and parole releases by the age, sex, race, offense, and county of conviction of the inmates.

For purposes of transfer, the correctional community will want to note several features of the Texas model utilizing data processing for litigation needs:

- Concept of the model—extensive use of automated records to prevent litigation and defend the agency before the courts.
- Team approach to meeting litigation demands—attorneys, researchers and data processing personnel. One assistant attorney general is also a computer specialist. The researchers are familiar with the informational form and content needs of attorneys as well as with the contents of the agency's various data bases.
- Technology—Data Analyzer, a proprietary report generator and analysis package allows the insertion of Fortran programming at 16 logic points. The package can be used for simulation modeling, as well as for extracting and analyzing data. Computer output may be used directly as court exhibits.

Transfer experience

The transfer process is not as simple as physically moving a product or a concept from one correctional agency to another. The process itself requires special consideration for the transfer to be successful.

Transfer process details such as cost, time required, staff capabilities, the degree of modification required, the documentation available and staff expectations are often misestimated. The administration must not only consider the technical compatibility of the agency, but also the staff expertise required for transfer. For example, the hardware and data base file structure of the host agency must be congruous with the corresponding specifications of the transferring agency.

The degree of modification necessary to achieve compatibility must be calculated in terms of cost, staff time and staff ability. Obviously, personnel transferring the product must be knowledgeable, but personnel who will work daily with the transferred items must also be well trained. Unexpected complications such as additional modifications, inadequate documentation, miscommunications, and turnover can wreck the most carefully planned timetable.

In addition to the requirements of compatibility, the agency transferring the product must also be psychologically prepared for the new product, concept, etc. It is not unusual for staff members to expect transfer results to be either a miraculous cure or sure disaster. A predisposition in either direction negates the realism of the transfer and interferes with its success. Correctional staff should be fully informed about the transfer to reduce the fear of change but overly optimistic promises should be avoided.

To avoid these problems the correctional administrator anticipating the transfer of a product to his agency should learn about the transfer process in addition to learning about the product. It may be helpful to these administrators to contact other correctional agencies who have experienced the transfer process. Some of those transfer efforts have been highly successful, others have been only marginally successful; however, the experiences gained in these transfer efforts is highly transferable in itself. Agencies with such experiences include:

- The Mississippi Department of Corrections has transferred Golden Retriever, a retrieval software package developed by the staff of the Georgia Department of Offender Rehabilitation. The package is operating on IBM 370 hardware.
- The Louisiana Department of Corrections' system is a modification of CRISYS, a package originally developed for Washington, D.C.
- The South Carolina system is adapted from the original Ohio System. That system, (now abandoned by Ohio Department of Corrections but still utilized by the Ohio Youth Commission) is table driven with master file, indexes, and chained pushdown files.
- The New Mexico Department of Corrections and Criminal Rehabilitation has adapted a portion of a former Arkansas system but the transfer there does not approach the turnkey operation as that in South Carolina.
- The Virginia Department of Corrections is using an adaptation of the JUSTICE system from IBM but the modifications to the system have been extensive.
- The Ohio Department of Corrections has the unusual experience of rebuilding an automated system after their original automated system (an extensive one) was cancelled due to many problems. Oregon has experience in renovating an information system and restoring the confidence of users after the original system had failed to produce. Administrators can benefit from the lessons learned in Ohio and Oregon particularly with respect to establishing priorities among the data elements to be included in the system.

Chapter 8

Summary and recommendations

The purpose of the CDAS Project was twofold: to describe the nature of the demand information problem and to identify transferable technologies which can assist in alleviating this difficulty.

The materials presented in the foregoing chapters deal with a wide variety of observations, problems, issues, procedures, and technologies. This chapter summarizes much of this information and offers recommendations for correctional administrators, data processing managers, and researchers which should enhance their capability to deal with demand information phenomenon.

Nature of the problem

Demand information refers to those unanticipated *ad hoc* requests that correctional agencies receive either from within the agency or from the outside. The feature that sets these requests apart from other kinds of demands is their unanticipated nature.

Although any unanticipated request is a problem in designing information systems, those that emanate from outside the correctional institution are the most perplexing for correctional managers. Normally, requests that emanate from within the institution are sensitive to existing informational capabilities; those from without frequently are not, and therein lies the problem.

The fundamental questions addressed in this study concerned whether the source of such external requests can be identified, the content anticipated, and the analytic capabilities for resolving the requests designed in advance. The answer to all three of these questions appears to be yes, and considering the magnitude of the problem, it behooves correctional information architects to give careful consideration to these issues in designing future systems.

Extent of the problem

Most correctional administrators, data processing managers, and researchers indicated that the demand information problem is real, frustrating, and not likely to go away in the near future. Many agencies lacking a streamlined procedure for dealing with these requests find that their responses to such inquiries are frequently incomplete, untimely, and at times inconsistent with other information released by the agency. This has at times created embarrassing situations for the administrator, and sometimes creates an aura of doubt about the competence of the agency and the trustworthiness of the information which it releases.

Source, content and analytic structure of demand information requests

An analysis of 543 examples of demand information requests suggests that the source, content, and analytic structure of these inquiries is fairly predictable. Almost twenty percent of requests are received from sister agencies desiring information about policies, procedures, programs, finances, and related administrative information. Almost one in three are received from other governmental agencies, typically requiring frequency information about the number of inmates with specified characteristics. Although some requests deal with topical issues of passing interest or topics of recurring interest, the content of most requests seems to follow predictable patterns including cross-tabulation of inmates possessing certain characteristics and examples of the agency's policies, procedures, and programs.

Surprisingly, the analytic structures of most requests are simple. Many simply request a copy of the agency's policy in some area of administration or a description of a program, in which case no analytic technology is necessary. The vast majority which require some analytic capability can be satisfied by the use of descriptive statistics such as frequency distributions, cross-tabulations, pie charts, and other simple procedures. It is rare to receive an inquiry which requires higher order statistical techniques, and when such inquiries are received, they are usually not from a source responsible for making critical decisions about the operation and future development of the corrections system.

The courts and demand information

Although inquiries from the judiciary are not the most frequent in number, they can have the greatest impact on the future administration of the correctional system. The recent revolution in correctional jurisprudence is having a critical effect on both the design and operation of correctional information systems. It is obvious that agencies need to include judicial information requirements in the design of information systems if they are to protect themselves from litigation, defend themselves in suits, or show compliance to court orders. It is not uncommon to find correctional agencies under court order wasting one or several man-years in developing compliance reports which could be quickly and efficiently prepared through the use of automation if proper compliance planning had taken place immediately after the suit was concluded.

The Correctional Case Law Demand Information Model presented in this report should provide substantial insight into determining the kinds of information that ought to be retained in an agency's information system so that they can adequately and expediently respond to the demand information requests from the courts.

A model system

After surveying all 52 correctional systems in the United States and studying seventeen in detail, no model system for handling demand information requests was identified. Some systems deal with the problem better than others, but none has developed a complete system which is a good candidate for transfer to sister institutions.

The failure of a plurality of correctional systems to deal effectively with the problem probably originates from the fact that demand information phenomena is rather recent and we are only beginning to understand its scope and impact on the correctional community. Some states that have experienced a greater demand are rapidly developing technologies and procedures to resolve the problem which should, in the near future, provide exemplars for other states interested in resolving the difficulty.

OBSCIS as a solution to the demand information problem

Certainly the most common approach to the design of correctional information systems is OBSCIS. As a solution to the demand information problem, it has both assets and liabilities. The good news is that the data elements recommended in the OBSCIS data base meet or exceed most requests for descriptions of inmate populations.

Where OBSCIS falls short is in providing the analytic software needed for compiling the information contained in a typical OBSCIS data base. The analytic reports produced by the basic OBSCIS software are useful in providing managers routine information useful for general administration, planning, and monitoring. Unfortunately, the OBSCIS package does not provide flexible analytic software so that an operator can search out inmates with certain characteristics and present them in a cross-tabulation involving two, three, or more variables. In short, OBSCIS does not provide much analytic capability and virtually no report generation capability.

Demand information administrative policy

Considering the impact that the demand information problem has on correctional institutions, it is surprising to find that agencies have not developed more streamlined procedures for handling external requests. A few agencies have highly centralized procedures wherein all demands for information are first received, classified, and prioritized, and where some degree of quality control can be exercised. At the other extreme are highly decentralized procedures where requests may be received at any level of the system and quality control is virtually absent.

Without centralized processing of demand information requests with appropriate logging and routing, the agency loses its capability to learn from past experience; the agency cannot analyze prior requests nor forecast future ones. Administrators are strongly encouraged to review the demand information problem within their own agency, identify procedures for centralizing the receipt, logging and routing of requests, and introduce quality control procedures to assure that requests are responded to in a timely and accurate manner. Administrators must also insure that the information released is not inconsistent with agency policy or prior releases, and that the analytic capabilities of the agency are dispersed in the most cost beneficial and efficient manner. Without such sound policy and administrative supervision, agencies are likely to waste valuable resources, provide untimely and haphazard responses, and diminish both their credibility and effectiveness with external constituencies whose favor and support are critical in the future development of the agency.

Automating agency policy

A substantial number of demand requests involve information about agency policy. The wise administrator will find great future benefit in automating agency policy for several reasons. Developing an automated policy index will require that all agency policies be identified, documented, centralized, and indexed. This is a smart thing to do in its own right since a plethora of undocumented policies leads to inconsistency in administration, arbitrariness in decision making, and may leave the administrator vulnerable to civil suits involving accusations of arbitrary and capricious management.

Centralizing the agency's policies in written form and indexing them in the computer has the added advantage of providing an efficient way of modifying existing policies and introducing new ones, disseminating policy information rapidly without ambiguity, and provides a cost-effective response to policy demand information requests.

Automating program descriptions

Many of the inquiries from other correctional agencies involve questions about agency programs. Typically, they want to know whether the agency has a certain kind of program, how many inmates are involved, its cost, administrative characteristics, and criteria used to evaluate its effectiveness. If an agency only has a few programs, brochures describing these characteristics may suffice. If the number of programs is large and subject to frequent modification, automating brief descriptive information about each program may be a wise choice. Not only will it provide uniform and efficient responses to program requests, but it will also be useful to the agency itself in monitoring program activity, fiscal planning, and evaluation.

Computers: problems and solutions

In theory, computers should be helpful in resolving the management information and analytic needs of correctional agencies. In fact, they sometimes produce as many problems as they solve. Where the computer is located, access to software, personnel turnover, training, administrative support, quality of data base, and a number of other factors determine whether the computer will be a solution or an albatross.

The results of the CDAS study indicate that correctional systems that have their own computer seem to do a more effective job in providing both routine management reports and responses to demand information requests. Systems whose computer access is through a state data processing center seem to be less successful. This is not to imply that shared access is not good, but that it complicates the process and frequently reduces capability.

Shared computer access through another state agency creates a number of problems. Frequently, the correctional agency is dependent on the staff of another agency for programming and analytic services. The correctional agency has little control over the assignment of personnel or in setting priorities for systems to be developed. Yet, it is sometimes difficult for the correctional agency to justify programmers and analysts on its own staff since, in theory, it is supposed to receive these services from the state's data processing center. Correctional staffs lack training in the statistical and report generation packages at the state data center. These packages could greatly benefit corrections but the vendor-provided training usually goes to the state data center and, it was found in a number of instances, that the correctional agency was ignorant that these software packages even existed.

As the cost of computer hardware declines and the transferability of correctional software increases, a future possible solution may be the purchase of minicomputers by correctional agencies formerly involved in shared systems. This possibility will not only enable correctional administrators to more effectively safeguard the security and privacy of their systems, but will probably increase the use of automated information in correctional decision making.

Software needs

Fortunately, most correctional agencies retain the offender data needed to respond to most inmate-specific demand information requests. What they lack is analytic software.

There are a number of excellent commercial report generation packages available, but these generally require access to flat files. Other limitations of some of these packages are that they are difficult to use, require extensive training, and possess more analytic capability than is necessary in most correctional environments. Instead, what is needed is utility software which will allow the compression of hierarchical files into a flat file which can be fed into a report generation package with basic descriptive capabilities.

Most correctional information systems use hierarchical files in which information about inmate characteristics, prior criminal record, sentencing information, and so forth is retained. When a request requires searching multiple files to identify different kinds of inmates with different characteristics, most correctional software comes to a halt. To respond to such requests, many correctional institutions have to write custom programs to extract the information needed for a particular request. As the number and complexity of requests increases, the amount of custom programming must increase as well. Staff shortages being a perennial problem in corrections, the practice of custom programming to answer individual demand requests will be a short-lived and expensive solution in the future.

What is needed today in most correctional information environments is utility software that would allow the compression of inmate files into a usable flat file and the development of a highly transferable report generation package which would produce frequency distributions, cross-tabulations, pie charts, and other fundamental descriptive statistics.

Communications problems

A common problem in many correctional environments is the lack of good communications between management and data processing. Most correctional administrators are not trained analysts and have little or no background in data processing. They know that they need and want information, but they frequently express these needs in broad generalities. Analysts and data processing managers find it difficult to interpret the information needs of their own managers. For instance, an administrator may request information on the impact of a change in the state's parole law, but not indicate the areas of impact with which he is concerned. Lacking analytic software, the data processing manager may need to develop custom programming to produce the information. This takes time and raises doubts in the administrator's mind as to the capability of the agency's data processing facilities. Having not specified his request in great detail, the information finally produced may not meet his needs, creating further dissatisfaction. Data processing personnel become frustrated because they cannot get a more definitive statement of management needs and suffer what they think to be undue criticism.

Technologies need to be developed to enhance the quality of communication between managers and data processing personnel. One suggestion would be the development of a dictionary of management reports that could be produced from offender based data. If such a dictionary contained the formats of various output reports that could be produced, and if these were key-word indexed by data element, a manager could select the output format that most closely meets his needs and thereby give explicit direction to the data processing manager. The creation of such a dictionary would have great benefit for corrections because it could be easily transferred from one institution to another and would provide developmental objectives for enhancements of OBSCIS and other transferable correctional information systems.

Dirty data

Unreliable data is like contaminated water; it's there, but it isn't potable. Inmate data bases in many correctional institutions contain incomplete, untimely, and incorrect information. Knowing that the data base is "dirty," data processing managers are frequently reluctant to produce reports based upon such unreliable data. The result is the costly acquisition and storage of information whose inaccuracy restricts its use.

A number of factors contribute to the poor quality of correctional data bases. Few correctional agencies have taken the time to develop good editing logic to scan incoming data and identify inconsistencies and errors. While many software systems identify inappropriate codes, not many systems have editing logic that will identify inconsistencies among various data elements.

Another problem is that those charged with collection of the data are frequently in a different administrative division than those responsible for its storage and analysis. Personnel in the intake section who gather much of the inmate information rarely utilize computerized reports from the data processing section. Not being a user of automated data, the incentives necessary to assure timely and accurate information are frequently absent. When the data processing manager receives inaccurate or incomplete information, it is usually bureaucratically complicated to change intake procedures to assure the recording of reliable information. Many data processing managers simply have to work with whatever data they get, and have little control over its timeliness, accuracy, or completeness. However, when they produce reports using this information, it is they who are usually held responsible for the inadequacy of the data base.

It is imperative that correctional managers closely coordinate the activities of those who gather the data and those responsible for its storage and analysis. It is incumbent upon the correctional administrator to assure that appropriate audit procedures are installed. Erroneous, incomplete, or untimely information must be identified and some estimates of the relative accuracy of the data be derived so that the limits of its reliability can be taken into consideration when it is used for management purposes, planning, monitoring, or evaluation.

The development of highly transferable edit and auditing procedures would be very useful to the correctional community since it is not likely that the use of correctional data bases can exceed the limits of their reliability.

Use of computers in litigation

Automated information systems are an extremely useful resource in correctional litigation. Considering the number of suits currently pending against correctional institutions, it is surprising that more correctional administrators have not made greater use of data processing in defending the agency or in showing compliance to court orders. Probably one of the reasons that correctional lawyers have not used much automation is that correctional systems lack flexible analytic software which is responsive to the demand information requests associated with litigation. Development of utility programs to derive compressed data bases and the use of statistical and report generation packages should greatly enhance the utility of correctional systems.

It would also be helpful if research personnel and data processing specialists receive some training in rules of evidence to better understand how to convert statistical information into evidentiary exhibits for use in the courtroom. Similarly, lawyers involved in correctional litigation would derive great benefit from a more thorough understanding of the nature of the databases retained by correctional institutions and the limits of these data bases when used for statistical or analytic purposes.

Technology transfer as a future solution

The development of a correctional information system is an arduous, expensive, and time-consuming process. Since many of the problems faced by correctional managers are comparable, transfer of existing technologies seems to be a viable substitution for developing many redundant systems from scratch. While technology transfer may be more of an art than a science, limited experience within the correctional community suggests that there is great potential and cost benefit to transferring systems.

Several states have gained valuable experience transferring correctional information systems such as the basic OBSCIS package. Where failures have occurred, they seem to emanate from an ignorance of the array of issues that must be considered in the transfer decision. While analysts may give intense consideration to certain technological aspects of the transfer, not enough has been given to the managerial, procedural, and user aspects of the transfer problem. A number of the issues identified in the chapter on transfer technology should prove useful to correctional managers who, while technologically unsophisticated, must make the final decision on whether the transfer of an information system will take place. As correctional budgets diminish and the capacity to recruit and hold technically qualified people declines, correctional managers may well find that the most efficient and cost-beneficial way to advance information systems will be to take advantage of the successes of other institutions through technology transfer.

Personnel turnover

Undoubtedly, one of the major constraints on the development of good information systems is the problem of recruiting and retaining qualified programmers and systems analysts. Many states find that their salary structure is simply not competitive. Some recruit and train relatively inexperienced personnel only to find that they resign to take positions in the private sector once they have gained a little experience. Correctional information systems and their benefit to the institution will not proceed unless a qualified technical staff can be retained. There are no technical solutions to this perennial problem in corrections, for the issue is primarily financial.

Negotiation of demand information requests

Many of the inquiries received by correctional agencies are vague and subject to negotiation. A number of data processing managers and researchers indicated that they frequently contact the inquirer to determine if they would be satisfied with information configured in a somewhat different way. These negotiations frequently result in tailoring the request to fit existing capabilities or data that has already been produced for another purpose. In fact, it is frequently found that the inquirer would be satisfied receiving the annual statistical report of the agency as opposed to an answer to his original request.

This phenomena suggests that a correctional agency would be wise to study the pattern of demand information requests it receives and prepare a comprehensive annual statistical report which would satisfy most inquiries. A number of states have developed such reports and indicate that they greatly reduced the special programming that used to be required to handle many demand requests. The production of such a statistical report, along with an effort to negotiate with inquirers as to exactly what information would satisfy their requests, can radically reduce the scope and perplexity of the demand information problem.

Summary

The results of the CDAS Project suggest that the demand information problem is real, predictable, and solvable. The keys to resolving the problem are the development of formalized procedures for handling requests, the development of automated analytic procedures to expedite the production of information, and the use of prior requests as a requirements analysis to forecast the nature of future requests. These steps will not only insure an enhanced capability for dealing with demand information requests originating from the outside, but will have the indirect result of improving information for internal consumption as well.

Appendix A

Topics covered in the on-site visits

Field studies were conducted in 17 of the nation's correctional systems. The purpose of these field studies was to analyze the impact of demand information requests on agency resources, determine how agencies process demand information requests, and identify technologies that could be transferred within the correctional community which would resolve these difficulties.

Listed below are the points of inquiry and analyses performed in each of the 17 site locations.

1. Analysis of the administrative organization of the correctional agency.
2. Flow diagram and critique of the current process used in receiving, routing, processing, and responding to demand information requests.
3. Analysis of quality control procedures used to determine the accuracy, timeliness, and completeness of correctional data bases and the quality of the reports produced.
4. A description of how the agency logs demand information requests including consideration of date received, source of request, content of request, analytic procedures involved in responding to the request, unit assigned to develop the response, etc.
5. Criteria used to set priorities on demand information requests.
6. Policy statements governing the receipt and processing of demand information requests.
7. Estimates of direct and indirect costs involved in responding to demand information requests.
8. The location, size, and working relationships among the various departments within the agency responsible for handling demand information requests including data processing, research and evaluation, fiscal planning, and so forth.
9. Analysis of the agency's current data processing facilities including hardware, software, and data base.
10. Estimates of the extent to which automated procedures are used in the processing of demand information requests.
12. If the agency's data processing resources are in another state agency, identification of problems in access and use of these facilities.
13. A description of those technologies that managers, researchers, and data processing personnel feel would most facilitate the handling of demand information requests.
14. The impact of current litigation on the processing of demand information requests.
15. Whether or not the agency uses its data processing resources to defend the agency in litigation or to demonstrate compliance with existing court orders.
16. Examples of the standard and special reports produced by the agency which could be used in responding to demand information requests.
17. Statistical information on the agency and its inmate population.
18. Description of the agency's current security and privacy standards and whether any of these standards can strain the dissemination of information and response to demand information requests.
19. Examples of demand information requests recently received by the agency as well as identification on the common sources of demand information within their state.
20. Communications problems between administrators requesting information and data processing people responsible for preparing management reports.

Appendix B

Case law compendium

I. Court access

A. Regulating communications with courts: mail regulations

1. Inspection of mail from inmates to Court

Ex Parte Hull, 316 U.S. 546 (1941) A state and its officers may not abridge or impair an inmate's right to apply to a federal court for a writ of habeas corpus. Access to the courts is a basic constitutional right.

Hudspeth v. Figgins, 584 F.2d 1345 (4th Cir. 1978) The state may not threaten or punish a prisoner for seeking court relief. Prisoners have a right to access to the courts.

Jones v. Diamond, 594 F.2d 997 (5th Cir. 1979) Outgoing mail to licensed attorneys, courts or court officials must be sent unopened. Incoming mail from such sources may be opened only in the presence of the inmate.

Guajardo v. Estelle, 580 F.2d 748 (5th Cir. 1978) Prison officials may not open or read letters addressed to the courts, attorneys, or parole or probation officers.

Taylor v. Sterrett, 532 F.2d 462 (5th Cir. 1976) An inmate has a First Amendment right to petition the government for redress of grievances without interference from prison officials.

Marsh v. Moore, 325 F. Supp. 392 (D. Mass. 1971) Institution does not have the right to open general outgoing mail and inspect it in the presence of the inmate for contraband.

Taylor v. Perini, 413 F. Supp. 189 (N.D. Ohio 1976) Outgoing privileged mail cannot be read by administration and must be sent sealed. Incoming privileged mail may be opened and inspected for contraband in presence of inmate.

Coleman v. Crisp, 444 F. Supp. 31 (W. D. Okla. 1977) A prisoner's right to access to courts was not violated by delay in the mailing of correspondence to a federal judge which did not include any legal documents or filings.

Rudolph v. Locke, 594 F.2d 1076 (5th Cir. 1979) A prison regulation providing that "absolutely nothing will be allowed to go from one inmate to another in the Segregation Units" was found to infringe an inmate's access to the courts, therefore could not be enforced, in that context.

Procunier v. Martinez, 94 S.Ct. 1800 (1974) Outgoing general correspondence may not be censored unless it threatens institutional security, order, or rehabilitation.

2. Providing materials and postage for communication with court

Morgan v. LaValle, 526 F.2d 221 (2nd Cir. 1975) Prohibition against receipt of postage stamps, if true, would be suspect.

Nickens v. White, 536 F.2d 802 (8th Cir 1976) Exclusion of stationery supplies catalogue did not deny access to the courts.

Tyler v. Woodson, 597 F.2d 643 (8th Cir. 1979) A prisoner successfully stated a cause of action where he alleged that the chief social worker at the jail confiscated his legal papers thereby interfering with the prisoner's access to the courts.

Twyman v. Crisp, 584 F.2d 352 (10th Cir. 1978) Prisoners do not have an unlimited right to free postage in order to have an access to the courts. Reasonable regulations may be imposed.
A prisoner does not have the protected right to a typewriter.

Lock v. Jenkins, 464 F. Supp. 541 (D.C. Ind. 1978) A pretrial detainee had no constitutional right to a typewriter as connected with his right of access to courts.

Bijoel v. Benson, 404 F. Supp. 595 (S.D. Ind. 1975) Inmate does not have a right to a typewriter.

Taylor v. Perini, 413 F. Supp. 189 (N.D. Ohio 1976) Postage to court must be paid.

3. Delay of mail

Johnson v. Avery, 393 U.S. 483 (1969) It is fundamental that access of prisoners to the courts for the purpose of presenting their complaints not be denied or obstructed.

Martin v. Wainwright, 526 F.2d 938 (5th Cir. 1976) Allegations of interference with outgoing legal mail states a claim.

Tyler v. Woodson, 597 F.2d 643 (8th Cir. 1979) A prisoner successfully stated a cause of action where he alleged that the chief social worker at the jail confiscated his legal papers thereby interfering with the prisoner's access to the courts.

Welch v. Evans, 402 F. Supp. 468 (E.D. Va. 1975) Failure of prison officials to send petition to court violates right to access of court.

Lingo v. Boone, 402 F. Supp. 768 (N.D. Calif. 1975) Unintentional failure to co[illegible]dings did not deny access to court. Thr[illegible] to take action against inmate unless litigation against institution is terminated does state claim for violation of civil rights.

Owen v. Shuler, 466 F. Supp. 5 (D.C. Ind. 1977) It is acceptable to delay the delivering of a prisoner's mail as long as the delay is not unreasonable.

Where a temporary prison policy of checking legal mail for contraband was adopted, it did not deny prisoners access to the courts where the facts showed that the mail was opened in the presence of the inmates and was not read, censored, or copied.

B. Regulation of legal materials

1. Regulating possession of legal materials

Younger v. Gilmore, 404 U.S. 15 (1971) Connects right of access to courts with the right of access to legal materials and law libraries.

Taylor v. Sterrett, 532 F.2d 462 (5th Cir. 1976) Upheld narrowly drawn regulations controlling the amount of law books and other legal materials in a resident's cell.

Hatfield v. Bailleaux, 290 F. 2nd 632 (1961) cert. denied 368 U.S. 862 (1961) Inmates were not denied access to courts through regulations which controlled and limited the times and places inmates could engage in legal research and preparation of legal papers. Test is whether void regulations are implemented for purposes of institutional control and discipline.

Battle v. Anderson, 457 F. Supp. 719 (D.C. Okla. 1978) Where prison officials arbitrarily limited the amount of legal materials an inmate could keep in his cell, it was a denial of meaningful access to the courts.

Boston v. Stanton, 450 F. Supp. 1049 (W.D. Mo. 1978) The petitioner did not prove by the evidence that the refusal of prison officials to sell him certain periodicals handicapped him in his ability to present a pro se legal action.

Bransted v. Wolke, 455 F. Supp. 489 (D.C. Wis. 1978) Prisoners in jail were not entitled to their demands for paper, typewriter, court decisions, statute books and other items because the county would have provided attorneys for them if requested.

Wilson v. Wittke, 459 F. Supp. 1345 (D.C. Wis. 1978) Where a pretrial detainee in county jail was represented by counsel, he had adequate access to the courts. Therefore, he was not deprived of his rights by a jailer who refused to allow him access to legal materials.

Williams v. Martimucci, 276 N.W. 2d 876 (Mich. App, 1979) The failure of prison administrators to deliver copies of certain documents contained in a prisoner's file to a prisoner did not violate the prisoner's right to them because the prisoner did not pay the $3.00 processing fee and was not on the institution's current list of indigents.

2. Access to prison law libraries

Bounds v. Smith, 430 U.S. 817 A plan establishing a circulating central law library is sufficient. "Paid" counsel need not be supplied in addition to law library access. (This is already a Supreme Court decision).

Williams v. Leeke, 584 F.2d 1336 (4th Cir. 1978) Prisoners should have direct access to a law library. Severe restrictions on library time can only be justified if trained research assistants are available to assist the prisoner's research efforts. Restrictions on library use may be justified where the inmate is a security risk. However, a jail plan to restrict misdemeanants access to legal material for 45 minutes at a time, three days a week, is unconstitutional. Not every "small jail" is required to have a law library, provided that the inmates have other meaningful access to legal assistance.

Twyman v. Crisp, 584 F.2d 352 (10 Cir. 1978) The restricted access to a prison law library is not per se denial of access to courts. A prison library is only one factor.

Gilmore v. Lynch, 319 F. Supp. 105 (N.D. Cal. 1970) Affirmed 404 U.S. 15 (1971) Prisoners have a right of access to an adequate law library to assist them in gaining access to the courts.

Mingo v. Patterson, 455 F. Supp. 1358 (D.C. Colo. 1978) A prisoner is entitled to use the prison law library in order to prepare his civil rights action.

Burrascano v. Levi, 452 F. Supp. 1066 (D. Md. 1978) Denying an inmate access to the prison law library on one isolated occurence does not constitute an actionable constitutional infringement.

Hohman v. Hogan, 458 F. Supp. 669 (D.C. Vt. 1978) Access of prisoners to the courts must be adequate, effective, and meaningful. A state is required to provide prisoners either with adequate law libraries, or legal assistance, not both.

3. Content of prison law library

Bounds v. Smith, 430 U.S. 817 (1976) Enumerates books required for library.

Stover v. Carlson, 408 F. Supp. 696 (D. Conn. 1976) Adequate law library need not have a complete collection of federal cases and statutes.

Fluhr v. Roberts, 460 F. Supp. 536 (D.C. Ky. 1978) It is not required that correction officials establish a law library if adequate alternate means are made available. In addition to Titles 18, 28, and 42 of the U.S.C.A. and a manual on prisoners' civil rights, the court believed the following to be necessary for use by inmates: Federal Rules of Criminal Procedure, Federal Rules of Evidence, Federal Rules of Appellate Procedures, Crimes and Criminal Procedure published by West Publishing Company, Federal Rules of Civil Procedure, Judiciary and Judicial Procedure published by West Publishing Company; Brickey's Kentucky Criminal Law, Black's Law Dictionary or its equivalent; Kentucky Penal Code, K.R.S. Chapters 500–534; Kentucky Rules of Criminal Procedure. The case also includes a copy of the Metropolitan Correctional Services Department Law Library Loan Program policies and procedures.

Burrascano v. Levi, 452 F. Supp. 1066 (D.C. Md. 1978) (2.) An isolated incident in refusing to allow an inmate to go to the law library does not violate an inmate's constitutional safeguards.

II. Counsel access

A. Regulating communications

1. Mail regulations

Wolff v. McDonnell, 418 U.S. 539 (1974) Prison officials have right to open mail from attorneys and inspect it for contraband in presence of inmate.

Taylor v. Sterrett, 532 F.2d 462 (5th Cir. 1976) Although still an unsettled issue, this court held that mail from attorneys cannot be read. Reasonable regulations on correspondence with attorneys are permissible. Such regulations may require that the attorney first identify himself in a signed letter or that the inmate supply prison officials with the name and business address of his attorney.

2. Visitation with counsel

Rhem v. McGrath, 326 F. Supp. 681 (1971), modified 507 F.2d 333 (2nd Cir. 1974) Prisoners entitled to private communication with attorney, whether by mail or face to face.

United States v. White, 295 F. Supp. 893 (1968) No deprivation of right to counsel established by showing that crowded conditions existed during visits and that privacy as between counsel and prisoner was at a minimum.

Cruz v. Beto, 391 F. 2d 235, 19 Cr.L. 2093 (S.D. Tex. 1976) Damages awarded against Director of Department of Corrections for denying attorneys access to clients and clients access to attorneys.

Giampetruzzi v. Malcolm, 406 F. Supp. 836 (S.D.N.Y. 1975) Must permit more than one attorney to visit an inmate at any given time.

Mitchell v. Untreiner, 421 F. Supp. 886 (N.D. Fla. 1976) Construction of private consultation rooms for counsel interviews ordered.

Payne v. Superior Court, 553 P.2d 565, 132 Cal. Rptr. 405 (1976) Indigents have a limited right to the appointment of counsel and to appear in civil matters at least where such is necessary to defend against an action.

People v. Baker, 151 Cal. Rptr. 362 (Cal. App. 1978) A prisoner does not have the right of privacy guaranteed to a non-incarcerated citizen, except when consulting with his attorney in a room designated for that purpose. An inmate may not complain of being tape recorded, even if the recording was unknown to him at the time.

In re Brindle, 154 Cal. Rptr. 563 (Cal. App. 1979) By refusing to allow a public defender to see inmates, the Department of Corrections exceeded its authority. The Department may not oversee the independent statutory function of the public defender's office.

3. Regulating communication with counsel's staff

Procunier v. Martinez, 416 U.S. 396 (1974) Officials must allow visits by law students or by other para-professionals (such as investigators) who are working for attorneys.

Phillips v. Bureau of Prisons, 591 F.2d 966 (D.C. Cir. 1979) The refusal of admittance to federal prisons to paralegals who constitute a threat to prison security while granting it to those who do not, does not violate the rights of those excluded. The unsuccessful applicant must be notified of the factual basis for denial with an opportunity to rebut the decision based on the facts.

Reed v. Evans, 455 F. Supp. 1139 (D.C. Ga. 1978) A paralegal was not entitled to enter a state prison unless he/she was employed by an attorney. This action was not held to deny the inmate's right of access to the courts.

Johnson v. Ward, 401 N.Y.S. 2d 445 (N.Y. Sup. Ct. 1978) A prisoner's medical records need not be furnished to law students representing an inmate and the request thereof should be signed by an attorney of the prisoner's legal services admitted to practice.

4. Attorneys' fees and responsibility

Hutto v. Finney, 437 U.S. 678 (1978) The Civil Rights Attorney's Fees Awards Act of 1976 has removed the state's 11th Amendment immunity to retroactive monetary relief of the form of attorney's fees.

Minns v. Paul, 542 F.2d 899 (4th Cir. 1976) Attorney appointed by Court to undertake provision of legal services to inmates in general is acting under color of state law, but is immune from suit for failure to provide services to particular inmate.

B. Access to alternative legal assistance

1. Regulation of inmate legal counsel (jail house lawyer)

Johnson v. Avery, 393 U.S. 483 (1969) Unless residents have access to adequate professional legal assistance, the correctional agency may not prohibit residents from consulting "jailhouse lawyers" for advice and assistance.

Stevenson v. Reed, 530 F.2d 1207 (5th Cir. 1976) Where access to adequate law library and jailhouse lawyer is provided, no constitutional obligation to provide counsel at state expense.

Buise v. Hudkins, 584 F.2d 223 (7th Cir. 1978) The transfer of the only jailhouse lawyer to another facility violated the inmates' rights to access to the courts.

Matter of Green, 586 F.2d 1247 (8th Cir. 1978) A prisoner who was found to be engaged in numerous frivolous petitions to the court was prohibited from writing any more writs for other inmates.

Corpus v. Estelle, 409 F. Supp. 1090 (S.D. Tex. 1975) Affirmed 551 F2d 68 (5th Cir. 1977) Regulation prohibiting jailhouse lawyer's assistance in civil rights case is invalid. The burden is on the state to prove adequacy of alternatives to jailhouse lawyer assistance.

Green v. Wyrick, 414 F. Supp. 343, 20 Cr.L. 2272 (W.D. Mo. 1976) Jailhouse lawyer enjoined from assisting others for failure to follow court rules.

Mitchell v. Carlson, 404 F. Supp. 1220 (D. Kan. 1975) Prohibition against jailhouse lawyer in one institution from communication with "client" housed in another institution does not deny access to courts.

Craig v. Hocker, 405 F. Supp. 656 (D.C. Nev. 1975) Prison Officials must allow jailhouse lawyers to assist other prisoners and must also provide adequate law library.

Baker v. Crisp, 446 F. Supp. 870 (W.D. Okla. 1978) The fact that a prisoner fired his court appointed attorney in favor of the services of a fellow prisoner "writ writer" prevents him from asserting in a habeas corpus petition that he was denied the effective assistance of counsel.

2. Access to assistance such as Civil Liberties Union

Nolan v. Scafati, 430 F. 2nd 548 (1970) In absence of some countervailing interest, a state cannot prevent an inmate from seeking legal assistance from any bona fide attorneys working in or outside of organizations.

III. Media access

A. Access to media by inmate

Pell v. Procunier, 417 U.S. 817 (1974)

Saxbe v. Washington Post Co., 417 U.S. 843 (1974) There is no right to any face to face contact between the press and a specific inmate as long as alternative lines of communication are open. This applies to state as well as federal prisons.

Procunier v. Martinez, 416 U.S. 396 (1974) Inmates are free to correspond by mail with media representatives.

Nolan v. Fitzpatrick, k 451 F.2d 545 (1st Cir. 1971) Inmate's right to send letters to the press can be limited only with respect to letters which would contain contraband or a plan of escape or which were used as a device for evading prison regulations.

Guajardo v. Estelle, 580 F.2d 748 (5th Cir. 1978) 24 Cr. L. 2034 Letters to attorneys and media must be sent uninspected. Incoming mail may be opened in the presence of the inmate, inspected, but not read.

B. Access to inmate by media

Saxbe v. Washington Post Co., 417 U.S. 843 (1974) As long as alternative avenues of communication with the media which allows media access to any sources of information available to the public are open, restrictions on media access to specific prisoners may be denied.

Houchins v. KQED, 22 Cr.L. 4108 (1977) The media possesses no greater right of access to prisons than does the general public.

Guajardo v. Estelle, 580 F.2d 748 (5th Cir. 1978) A privilege exists for mail between inmates and identifiable members of the media. Such mail must be treated in the same manner as attorney mail.

Main Road v. Aytch, 565 F.2d. 54 (3rd Cir. 1977) Prison regulations that permit prisoners individual interviews with the press but deny group press conferences are valid. Allowing the Superintendent of the Philadelphia prisons to determine whether a press interview would constitute a clear and present danger to an institution or its inhabitants is consitutionally permissible.

C. Access to particular books, periodicals, etc., by inmate

United States v. O'Brien, 391 U.S. 367 (1968) In order to justify restrictions, a sufficiently important purpose must be shown.

Procunier v. Martinez, 416 U.S. 396 (1974) Applies to censorship of publications material. For state to censor, it must show that censorship furthers one or more institutional concern of security, order, rehabilitation.

Bell v. Wolfish, 99 S.Ct. 1861 (1979) "Publishers only" rule, and the prohibition against the receipt of packages do not violate any constitutional guarantees.

Guajardo v. Estelle, 580 F.2d 748 (5th Cir. 1978) Limitation of sexually obscene material is not limited by the judicial definition of Obscenity; Non-obscene material that encourages deviate, criminal sexual behavior may also be censored.

Prison officials may control bulk mailing, but otherwise may not place a numerical restriction on mail received by inmates.

Before a publication can be denied to a prisoner, prison administrators must review the particular issue and make a specific determination that the publication is harmful to the prisoner's rehabilitation. Prisoners are allowed to appeal the decision.

Pittman v. Hutto, 594 F.2d 407 (4th Cir. 1979) An inmate's rights were not violated by the censoring of one publication of an inmate's magazine. Officials may refuse to approve if they sincerely believe that the issue could be disruptive of prison order and had a reasonable belief for those views.

Cofone v. Manson, 409 F. Supp. 1033 (D. Conn. 1976) While the specific criteria for publication censorship may fall within one of the : a. security, b. order, c. rehabilitation categories, these general institutional interests are either too vague and/or overbroad. Regulations must be drawn more specifically if they are to be upheld.

Boston v. Stanton, 450 F. Supp. 1049 (W. D. Mo. 1978) The petitioner did not prove by the evidence that the refusal of prison officials to sell him certain periodicals handicapped him in his ability to present a pro se legal action.

Jackson v. Ward, 458 F. Supp. 546 (D.C.N.Y. 1978) State correction officials must make a substantial showing that a publication poses a real threat to order, security, or rehabilitation programs of the prison before they may prohibit any publication from the facility.

Evans v. Fogg, 466 F. Supp. 949 (D.C.N.Y. 1979) It was no denial of a prisoner's rights when he was not given a particular law book since he did receive it within a matter of days.

Bell v. Wolfish, 99 S.Ct. 1861 (1979) A "publisher only" rule is valid.

Rhem v. McGrath, 326 F. Supp. 681 (1971) Modified 507 F.2d 748 (2nd Cir. 1974) Censorship of publications and other types of incoming mail is permitted as long as performed in a reasonable manner and with a legitimate purpose in mind.

Sostre v. Otis, 330 F. Supp. 941 (S.D.N.Y. 1971) Prison officials must provide due process hearing prior to refusal to admit publications to prison.

IV. Correspondence

A. From inmate

Procunier v. Martinez, 417 U.S. 817 (1974) Censorship of inmate mail is justified when based on legitimate institutional interests of security, order, and rehabilitation.

Feeley v. Sampson, 22 Cr.L. 2453 (1st Cir. 1978) The district court improperly ordered the Rockingham County Jail to stop opening detainee's outgoing mail absent a search warrant.

Watts v. Brewer, 588 F.2d 646 (8th Cir. 1978) Prison authorities have a special and compelling interest in the regulation of communications between inmates of different prison institutions.

Burrascano v. Levi, 452 F. Supp. 1066 (D.C. Md. 1978) As a matter of law, a communication is not libelous merely by reason of accusing one of being a criminal informant.

Farmer v. Loving, 392 F. Supp. 27 (W.D. Va. 1975) For inmates to be allowed to send to whomever they wish including other inmates may be outside present state of the law.

Valentine v. Gray, 410 F. Supp. 1394 (S.D. Ohio 1976) Inmate has no right to conduct business by mail

Guajardo v. Estelle, 580 F.2d 748 (5th Cir. 1978) Rules requiring prior approval before an inmate can begin correspondence with a free society individual, and imposing restrictions on the number of letters an inmate can write are unconstitutional.

B. To inmate

Procunier v. Martinez, 416 U.S. 396 (1974) Requires that limitations on 1st Amendment rights be "no greater than is necessary or essential for the protection of the particular government interest involved."

If mail is read, (1) A written notice of the reason the letter was read or censored must be given to the sender and the inmate; (2) The sender has a right to appeal the decision.

Guajardo v. Estelle, 580 F.2d 748 (5th Cir. 1978) Prison rules which permit censorship of mail containing escape plans, plans for disruption of the prison, or plans for the entering of contraband, are permitted.

Ford v. Schmidt, 577 F.2d 408 (10th Cir. 1978) cert. den. 99 S.Ct. 199 A prison mail policy was not unconstitutional because of prison regulations pertaining to stamp coupons and prohibiting the transfer of property between inmates.

Barnes v. Virgin Islands, 415 F. Supp. 1218 (D.V.I. 1976) Court forbids the imposition of any length limitation on incoming letters.

Worley v. Bounds, 355 F. Supp. 115 (W.D.N.C. 1973) Held unconstitutional for a prison official to intercept, fail to deliver or to photocopy without good cause any inmate mail to legislators, executive officers, administrative bodies or other public officials.

Davis v. Balson, 24 Cr. L. 2117 (ND Ohio 1978) 24 Cr. L. 2117 Mail censorship standards as set forth in *Procunier v. Martinez*, are applicable to patients involuntarily committed to a state hospital for the criminally insane. Due process standards are applicable to institutional punishment.

Hopkins v. Collins, 411 F. Supp. 831 (D. Md. 1976) A *Wolff* type hearing required by court on exclusion of mail.

V. Receipt of publications

Bell v. Wolfish, 99 S.Ct. 1861 (1979) A "publisher only" rule for mail does not violate any constitutional rights but is a rational response by officials to the obvious security problem of preventing the smuggling of contraband in books sent from the outside.

A regulation against the receipt of packages from the outside does not deprive pretrial detainees of their rights considering the fact that packages are easily used for the smuggling of contraband.

Jones v. Diamond, 594 F.2d 997 (5th Cir. 1979) The sending of packages to prison inmates may be prohibited.

Guajardo v. Estelle, 580 F.2d 748 (5th Cir. 1978) Limitation of sexually obscene material is not limited by the judicial definition of obscenity; Non-obscene material that encourages deviate, criminal sexual behavior may also be censored.
Prison officials may control bulk mailing, but otherwise may not place a numerical restriction on mail received by inmates.
Outgoing letters may be read. Letters concerning plans for violating prison rules or containing graphic presentation of sexual behavior that is in violation of state law may be prohibited.
Publications may not be censored because they contain criticism of prison authorities or advocate use of a prison grievance procedure, but may be censored if they show how to make explosives, weapons, or drugs, or are designed to achieve the breakdown of prisons through riots or strikes.

VI. Visitation

Feeley v. Sampson, 570 F.2d 364 (1st Cir. 1978) There is no constitutional guarantee to contact visits.
Prison officials will be given further opportunity to initiate a visitation rule.

Marcera v. Chinlund, 595 F.2d 1231 (2nd Cir. 1979) Pretrial detainees were entitled to relief in their action challenging a policy of denying them contact visits in a county jail. The considerations of cost, architecture, or administrative convenience were not sufficient to justify regulations denying contact visits for pretrial detainees.

White v. Keller, 588 F.2d 913 (4th Cir. 1978) A prisoner and members of his family and friends did not have their rights violated when visitation was restricted after the prisoner was found in possession of contraband immediately following visits. The visitors did not have the right to a hearing before visitations were restricted.

Jones v. Diamond, 594 F. 2d 997 (5th Cir. 1979) Suspension of visitation privileges as a form of punishment is not a constitutional violation.

U.S. v. Hearst, 563 F.2d 1331 (9th Cir. 1977) Upheld use in criminal trial of statements made by inmate to visitor which were picked up as part of jailhouse practice of monitoring and recording *all* prisoner-visitor conversations.

Lock v. Jenkins, 464 F. Supp. 541 (D.C. Ind. 1978) Contact visitation is not constitutionally required at prison.

Tate v. Kassulke, 409 F. Supp. 651 (W.D. Ky. 1976) Limitations on number of visitors or prohibitions on children as visitors held to be invalid.

Ambrose v. Malcolm, 440 F. Supp. 51 (S.D. N.Y. 1977) The visiting time allowed to inmates at a detention facility may not be reduced solely because of the change to the contact system.

Giampetruzzi v. Malcolm, 406 F. Supp. 836 (S.D. N.Y. 1975) Cannot stop segregation prisoners from receiving visitors.

Fennell v. Carlson, 466 F. Supp. 56 (D.C. Okla. 1978) An inmate at a federal correctional institution had no protected right to be visited by another inmate.
Visiting procedures are solely within the scope of prison discipline and security; therefore are subject to the broad discretion of prison officials.

Imprisoned Citizens Union v. Shapp, 451 F. Supp. 893 (E.D. Pa. 1978) The denial of conjugal visits does not constitute cruel and unusual punishment.

Owens-El v. Robinson, 457 F. Supp. 984 (D.C. Pa. 1978) Jail inmates have no constitutional right to contact visits.

Palmigiano v. Travisono, 317 F. Supp. 776 (D.R.I. 1970) Total isolation of offender from outside world cannot be justified. Limiting the time and number of personal visits has been upheld as long as rules are uniformly applied.

Jordan v. Wolke, 450 F. Supp. 1080 (D.C. Wis. 1978) Pretrial detainees in a county jail filed suit seeking relief for overcrowding and lack of visitation. It was held that the prohibition of contact visitation was unjustified for either financial or security reasons.

Jordan v. Wolke, 450 F. Supp. 213 (E.D. Wis. 1978) Non-contact prison visitors may only be subjected to "pat-down" examinations and metal detector searches of their persons.
Non-contact visitors of pretrial detainees need not present identification nor be on the pretrial detainee's visitor list before seeing the prisoner.
The prison rule which forbade individuals who themselves had been pretrial detainees within the past six months from visiting other pretrial detainees was improper.

Wesson v. Johnson, 23 Cr. L. 2366 (Colo. Sup. 1978) The state must provide contact visitation facilities and opportunities to pre-trial detainees where security considerations permit.

Wesson V. Johnson, 579 P.2d 1165 (Colo. 1978) Since some areas in the county jail were suitable for coctact visitation and because the number of additional personnel that was necessary would not create too harsh a financial burden upon the county, the pretrial detainees in the county jail were entitled some form of contact visitation program.

Holdman v. Olim, 581 P.2d 1164 (Hawaii 1978) A prison rule requiring female visitors to wear a bramiere while within the confines of the prison does not violate the Constitution.

Cooper v. Lombard, 409 N.Y.S.2d 30 (N.Y.A.D. 1978) Jails must provide a program of contact visitation for pre-trial detainees.

Lewellyn v. State, 592 P.2d 538 (Okla. App. 1979) Where an incarceration order included that a prisoner be afforded reasonable visitation privileges for witnesses in his behalf, the requirement that the witness-visitor leave at 9:00 P.M. was not prejudicial to his defense and was within the discretion of the prison officials.

Robertson v. Oregon State Penitentiary, Corrections Division, 582 P.2d 32 (Ore. App. 1978) Where only extensive discussion followed an inmate's suggestion that the inmates should strike by refusing to leave a visiting room, no conspiracy existed in violation of the prison regulations.

VII. Telephone access

Feeley v. Sampson, 570 F.2d 364 (1st Cir. 1978) The particular formula for regulating telephone use should be left to jail officials.

Hill v. Estelle, 537 F.2d 214 (5th Cir. 1976) The denial of telephone call privileges to inmate violated no constitutional right.

Martinez v. Evans, 22 Cr. L. 2531 (D. Colo. 1978) Petitioner's complaint which alleges that he contracted an infectious boil in his ear after using telephones to communicate with visitors while in prison does not state a claim upon which relief can be granted under 42 U.S.C.A. - 1983.

Parker v. Cook, 464 F. Supp. 350 (D.C. Fla. 1979) If a prisoner is denied his right to use the telephone during the period of administrative segregation, he has not been denied his right to communicate with counsel because mail privileges satisfy that right.

People v. Myles, 379 N.E.2d 897 (Ill. App. 1978) Monitoring of jail phones where a sign is present is legal. A phone maintained for prisoners' use does not include the same right of privacy as the public at large.

State v. Fischer, 24 Cr. L. 2087 (N.D. Sup. Ct. 1978) A jailor may eavesdrop on an inmate's telephone conversation with his wife.

VIII. Transfers

A. Intrastate transfers

Meachum v. Fano, 427 U.S. 215 (1976) Absent a state law or practice which conditions the transfer of inmates between institutions upon proof of serious misconduct or the process clause in and of itself does not entitle an inmate to a factfinding hearing prior to his transfer from one penal institution to another, even if the conditions of the recipient institution are substantially less favorable to him than those existing in the institution from which he was transferred.

Vitek v. Miller, 23 Cr. L. 3046 (U.S. 1978) The district court's grant of relief to a prison inmate concerning his transfer to a mental hospital is vacated and remanded to the district court for a determination of mootness in light of the inmate's acceptance of parole.

Montayne v. Haymes, 427 U.S. 236 (1976) No due process is necessary for an inter-institutional transfer where the transfer statute gives the Commissioner of Corrections complete discretion. Note that the court only considered statutes, not the effect of regulations.

Daigle v. Hall, 564 F.2d 884 (1st Cir. 1977) To trigger due process guarantees a prisoner complaining of an intraprison transfer must show some right or justifiable expectation rooted in stated law that he will not be transferred except for misbehavior or on the occurrence of other specified events.

Cofone v. Manson, 594 F.2d 934 (2nd Cir. 1979) A prisoner's transfer to another institution may violate his rights provided state law has created some reasonable expectation that he will not be transferred except for misbehavior or other specified events.

United States ex rel. Schuster v. Herold, 410 F.2d 1071 (2nd Cir. 1969) cert. den. 396 U.S. 847 (1969) Where adult resident is transferred to a mental facility he must be accorded the same procedural rights as a free citizen who is involuntarily committed to such a hospital.

Atkinson v. Hanberry, 589 F.2d 917 (5th Cir. 1979) Absent a right or justifiable expectation created by state law, the transfer of a state prisoner to a less desirable institution within a state prison system does not amount to a violation of constitutional rights.

Garland v. Polley, 594 F.2d 1220 (8th Cir. 1979) A prisoner stated a cause of action when he alleged that his rights had been violated by a prison transfer because of his filing of a suit against prison officials.

Mingo v. Patterson, 455 F. Supp. 1358 (D.C. Colo. 1978) The transferring of a prisoner between county jails does not violate any of his rights.

Fletcher v. Warden, 467 F. Supp. 777 (D.C. Kansas 1979) In the absence of a state or federal statute or practice conditioning prisoners' transfers to another institution upon misconduct, a prisoner has no federal due process right to a hearing prior to transfer.

United States ex rel. Snyder v. People, State of Illinois, 442 F. Supp. 75 (N.D. Ill. 1977) Where a state prisoner was confined within the territorial limits of the federal district at the initiation of his habeas corpus action, the fact that he was subsequently transferred to another facility outside the district did not deprive the court of jurisdiction.

Vicr v. Harvey, 458 F. Supp. 1031 (D.C.S.C. 1978) A prisoner may be transferred to another institution for administrative or disciplinary reasons if there is no state law giving the prisoners a reasonable expectation that they will remain where they are confined. When loss of good time or segregated confinement accompany a transfer, the prisoner has a right to a hearing.

Lamb v. Hutto, 467 F. Supp. 562 (E.D. Wis. 1978) A prisoner does not have a right to counsel at a prison transfer hearing.

Perrote v. Percy, 444 F. Supp. 1288 (E.D. Wis. 1978) Because a prisoner's eligibility for a work/study release program depended upon his having minimum security classification, he should have been afforded a hearing before he was transferred to a maximum security institution.

Gomes v. Moran, 468 F. Supp. 542 (D.C.R.I. 1979) It is a violation of an inmate's constitutional rights to transfer him for engaging in constitutionally protected speech.

Rust v. State, 582 P.2d 134 (Alaska 1978) A sentencing court lacks authority to order the Division of Corrections to place an offender in a particular institution.

People v. Johnson, 594 P.2d 601 (Colo. 1979) Under the statute the sentencing court had a right to transfer a prisoner from a community correctional facility to a reformatory, but did not have the authority to increase the length of the original sentence.

Pierson v. Phend, 379 N.E.2d 442 (Ind. 1978) Inmate transfers from a dormitory outside the prison walls to a dormitory inside, do not violate any prisoner rights. Prison officials may effect this change for any reason.

State v. Grimme, 274 N.W.2d 331 (Iowa 1979) A prisoner was denied his rights when he was removed from a drug treatment facility and sentenced to prison without an evidentiary hearing.

Ladetto v. Commissioner of Correction, 385 N.E.2d 273 (Mass. App. 1979) No prisoner has a right to be transferred from a penal institution to a facility offering a program of drug rehabilitation.

Johnston v. Ward, 409 N.Y.S.2d 670 (N.Y.A.D. 1978) A prisoner may not have a choice in the facility where he is to be confined. An inmate member of an inmate grievance committee may not be transferred to another facility unless the transfer is necessary to protect the facility or its personnel. In this instance, a prior hearing must be held absent an emergency.

People ex rel. Saffan v. Bertholf, 416 N.Y.S. 2d 173 (N.Y. Sup. 1979) Juveniles, as well as adults confined, have no right to *not* be transferred from one facility to another within the state. Juveniles, by statute however, must be given the reasons for a transfer to a more secure facility.

Richards v. Czarnetzky, 414 N.Y.S.2d 796 (N.Y.A.D. 1979) The transfer of inmates from one institution to another is ordinarily an administrative matter and a prisoner has no right to select the facility to which he is to be confined.

Matter of Lindner, 408 N.Y.S.2d 920 (N.Y. Sup. 1978) Before an inmate can be transferred from a prison facility to a mental health facility, court-appointed doctors must examine the inmate and the court must review those findings.

Ramirez v. Ward, 408 N.Y.S.2d 833 (N.Y.A.D. 1978) The Department of Corrections has the power to determine the proper correctional facility for the inmate. It can also transfer inmates to other facilities.

The classification of an inmate as a Central Monitoring Case does not bar the inmate from being eligible for temporary release programs or transfer to a medium or low security institution. The prisoner does have a right to respond and object to the classification, and appeal the decision.

Rutherford v. Oregon State Penitentiary Corrections Division, 592 P.2d 1028 (Ore. App. 1979) There is no constitutional right to a judicially reviewable hearing before a prisoner is transferred from one institution to another. However, if a state law speaks to the matter, those provisions control.

Watson v. Whyte, 23 Cr. L. 2411 (W. Va 1978) An inmate's transfer to a prison that more severely limits his freedom of movement requires a due process hearing.

B. Interstate transfers

Rebideau v. Stoneman, 575 F.2d 31 (2nd Cir. 1978) Since suitable treatment programs were unavailable in Vermont, the prisoner was legitimately transferred to an out-of-state institution.

Wolff v. McDonnell, 418 U.S. 539 (1974) Appears to enforce the view that certain minimal procedures are required for this type of transfer.

Wakinekona v. Doi, 20 Cr. L. 2090 (D. Hawaii, 1976) The transfer of an inmate from Hawaii to the mainland is a disciplinary punishment requiring a disciplinary hearing in conformity with *Wolff*.

Capitan v. Cupp, 356 F. Supp. 302 (D.C. Ore. 1972) aff'd 485 F.2d 679 (3rd Cir. 1973) The transfer of a convicted person to another state cannot be accomplished without granting a due process hearing.

Cook v. Hanberry, 596 F.2d 658 (5th Cir. 1979) A prisoner was not entitled to a transfer to another federal prison. He failed to allege that practices of allegedly cruel and unusual punishment were continued or that there was any threat of such continued treatment

C. State-Federal transfers

Sisbarro v. Warden, Massachusetts State Penitentiary, 592 F.2d 1 (1st Cir. 1979) Even though a prisoner had been transferred numerous times during his prison term, such transfers between state and federal prisons did not violate his constitutional rights.

Lono v. Fenton, 581 F.2d 645 (7th Cir. 1978) A state prison inmate may be transferred to a Federal prison to receive specialized care not available in state institutions.

United States v. Eisenberg, 469 F.2d 156 (8th Cir. 1972) cert. den. 410 U.S. 992 (1973) No due process hearing required.

Capitan v. Cupp, 356 F. Supp. 302 (D. Ore. 1972) aff'd 485 F.2d 679 (3rd Cir. 1973) Due process hearing must be held before transfer.

D. Emergency transfers

(An "emergency condition" justifying a transfer without a hearing has been defined as a condition which indicates a present or impending disturbance which might overtax the control capacity of the prison.) Id.; *King v. Higgins*, 370 F. Supp. 1023 (D. Mass. 1974) As soon as possible after the transfer, the inmate is entitled to a due process hearing.

Patterson v. Walters, 363 F. Supp. 486 (W.D. Pa. 1973) Whenever an inmate is transferred under a court order for medical or psychological reasons, there is no violation of his rights.

Johnson v. Anderson, 420 F. Supp. 845 (D. Del. 1976) Failure to hold disciplinary hearing after an emergency transfer to solitary because of believed double jeopardy problems renders him liable. The failure to hold a hearing cannot be justified on basis that hearing would have resulted in guilty finding.

Jordan v. Arnold, 408 F. Supp. 869 (M.D. Pa. 1976) Prison administrator entitled to move an inmate to segregation without affording a prior hearing (but affording a subsequent hearing) if he is presently dangerous or violent as demonstrated by objective standards, otherwise give prior hearing.

Matter of Lindner, 408 N.Y.S.2d 920 (N.Y. Sup. 1978) Before an inmate can be transferred from a prison facility to a mental health facility, court-appointed doctors must examine the inmate and the court must review those findings.

IX. Religion

A. Establishment of religion

Cruz v. Beto, 405 U.S. 319 (1972) Upheld right of a Buddhist inmate to practice his religion comparable to opportunity afforded other prisoners adhering to more orthodox religions.

Theriault v. Silber, 453 F. Supp. 254 (W.D. Tex. 1978) The "Church of the New Song," founded by an inmate, does not qualify as a religion entitled to First Amendment protections, and even if it did, prison officials could legitimately deny the founder the privileges of a prison chaplain. A free-form, non-structured religion created by the prisoner was not a religion protected by the First Amendment.

B. Free exercise of religion

1. Right to do that which is in accord with one's religious beliefs.

McDonald v. Hall, 579 F.2d 120 (1st Cir. 1978) The decision of the corrections officials not to provide Catholic group religious services in the departmental segregation unit can be validly justified on safety reasons.

Kahane v. Carlson, 527 F.2d 492 (2nd Cir. 1975) Orthodox Jew entitled to diet complying with religious laws.

Teterud v. Burns, 522 F.2d 357 (8th Cir. 1975) Hairstyle part of Native American religion and prison officials cannot force a practitioner thereof to cut his hair.

Cooper v. Pate, 382 F.2d 518 (7th Cir. 1969) Right to assemble in a group for religious services upheld.

Chapman v. Pickett, 586 F.2d 22 (7th Cir. 1978) A prison official was immune from liability for punishing a prisoner for refusing to handle pork on religious grounds during a kitchen clean up. The right of the prisoner to refuse was not clear at the time of the incident.

Jones v. Bradley, 590 F.2d 294 (9th Cir. 1979) An inmate, a self-proclaimed pastor, was not denied his rights when prison officials denied him the use of the prison chapel to conduct study sessions. Efforts to provide reasonable opportunity for an inmate to pursue his religious faith must be evaluated in light of the state's legitimate interest in prison security.

Sakfarion v. McGinnis, 284 N.Y.S. 2d. 594 (Sup. Ct. 1967) Right to attend a religious meeting even though the particular prisoner is not a formal member of the sect.

2. Right not to do that which is against one's religious beliefs

Jihaad v. Carlson, 410 F. Supp. 1132 (E.D. Mich. 1976) Prison may not force Muslim prisoners to handle pork. Regulation of beards must meet compelling state interest test when based on religious grounds.

Miller v. Carson, 401 F. Supp. 835 (M.D. Fla. 1975) aff'd 563 F.2d 741 (5th Cir. 1977) Diet served violated 1st Amendment on religious grounds.

Theriault v. Silber, 453 F. Supp 254 (W.D. Tex. 1978) The "Church of the New Song," founded by an inmate, does not qualify as a religion entitled to First Amendment protections, and even if it did, prison officials could legitimately deny the founder the privileges of a prison chaplain.

Wright v. Raines, 457 F. Supp. 1082 (D.C. Kan. 1978) A regulation that requires all inmates to be clean shaven except for sideburns and mustaches is unconstitutional to the extent that it prevents a religious group from practicing its sincere beliefs.

C. Religious correspondence

Neal v. Georgia, 469 F.2d 446 (5th Cir. 1972) Prisoner has right to correspond with his religious leader.

X. Administrative segregation

Wright v. Enomoto, 462 F. Supp. 397 (N.D. Calif. 1978) State prison officials were enjoined from transferring prisoners from the general prison populations to maximum security housing for "administrative" reasons, without first providing: (1) a written notice of reasons, in detail, not more than 48 hours after the transfer; (2) a fair hearing within 72 hours, unless the inmate requests additional time; (3) representation by counsel substitute when the prisoner is illiterate or the issues complex; (4) an opportunity to present witnesses and evidence unless it presents an undue hazard to institutional safety or correctional goals, and (5) a written decision, including references to evidence relied upon and reasons for confinement.

Montayne v. Haymes, 427 U.S. 236 (1976) Due process is required if the inmate has a "right or justifiable expectation" of not going to segregation "except for misbehavior or upon the occurrence of other specific events." This "expectation" has been found in state statutes, unwritten practices.

Sweet v. South Carolina Department of Corrections, 529 F.2d 854, (4th Cir. 1975) Placement of inmate in solitary confinement for safety does not require due process.

United States v. Chatman, 584 F.2d 1358 (4th Cir. 1978) It was not unreasonable to put an inmate in confinement, after a hearing, for sending a threatening letter to a judge.

Cunningham v. Jones, 22 Cr. L. 2315 (6th Cir. 1977) A remand is ordered to ascertain whether the one meal served to a prisoner in segregation each day was nutritionally sufficient.

Walker v. Little, 22 Cr. L. 4229 (7th Cir. 1977) cert. den. U.S. (1978) Conditions imposed upon inmates who were transferred to segregation at their request were so unreasonable as to constitute cruel and unusual punishment, and prison officials asserted ignorance of the conditions in the segregation facility will not serve as a defense.

Bono v. Saxbe, 450 F. Supp. 934 (E.D. Ill. 1978) Prisoners placed within the "control unit" are entitled to receive a written notice of the disciplinary hearing, impartial decision making, and immediate and subsequent periodic review of the final disposition.

Hooker v. Arnold, 454 F. Supp. 527 (D.C. Pa. 1978) Persons confined in prison administrative segregation must have periodic review of their confinement. The prison must have a valid reason for the segregation. It is *not* a valid reason to segregate a prisoner merely because inmate was on holdover status.

Hoss v. Cuyler, 454 F. Supp. 51 (D.C. Pa. 1978) This case contains a list of approved criteria which allow for continued administrative confinement.

Jordan v. Robinson, 464 F. Supp. 223 (D.C. Pa. 1979) Even though a prisoner was locked up mistakenly when a prison disturbance broke out, the action taken was not a violation of his rights because prison authorities had taken reasonable action in response to the disturbance.

Kelly v. Brewar, 525 F.2d 394 (1975) Records must show "criterion and standards" used in segregation decision.

Records must show, (1) what was wrong, (2) how to get out.

Imprisoned Citizens Union v. Shapp, 461 F. Supp. 522 (D.C. Pa. 1978) The decision to use observation cells is strictly up to prison department officials and not the courts. Confinement in these cells, however, would be cruel and unusual punishment if for a lengthy period or if conditions in the cells are allowed to deteriorate.

Murphy v. Fenton, 464 F. Supp. 53 (D.C. Pa. 1978) Even though a prisoner was denied his due process rights by not having a proper hearing for being placed in an administrative segregation unit, the officials were entitled to a good faith defense.

Negron v. Ward, 458 F. Supp. 748 (D.C.N.Y. 1978) The superintendent of a state prison hospital was held liable when he decided to keep patients in a jail ward for punitive reasons instead of for treatment reasons.

Parker v. Cook, 464 F. Supp. 350 (D.C. Fla. 1979) A prisoner's right to avoid segregation from the general prison population during the period of an administrative investigation entitles him to at least notice in writing and an opportunity to be heard.

If a prisoner is denied his right to use the telephone during the period of administrative segregation, he has not been denied his right to communicate with counsel because mail privileges satisfy that right.

Spain v. Procunier, 408 F. Supp. 534 (N.D. Calif. 1976) Classification to segregation must comply with procedural due process.

Brown v. State, 573 P.2d 876 (Ariz. 1978) One may not legitimately waive his two-for-one credits under statutory provisions by seeking protective custody when he is in fear for his life.

Dunn v. Jenkins, 377 N.E.2d 868 (Ind. 1978) The classification of inmates into groups according to behavior which occurred prior to the passage of a new good-time credit law was not violative of the constitutional prescriptions against ex post facto laws.

State v. Kyle, 271 N.W.2d 689 (Iowa 1978) A prisoner's rights are not violated when he is assigned to a certain cell house in prison upon his return following an escape.

Griffin v. Raines, 585 P.2d 620 (Kan. App. 1978) A state penitentiary inmate who has requested protective custody may remove himself from protective custody at any time.

When a prisoner requests protective custody, it is an administrative decision to remove prisoner to a protective custody wing with fewer privileges.

The criteria for administrative segregation should be clearly explained to the inmate affected.

Consideration should be given for an inmate's "good behavior" while in administrative segregation.

Falkenstein v. City of Bismark, 268 N.W.2d 787 (N. Dak. 1978) The prisoner's suicide was reasonably foreseeable so as to incur liability upon the city of his wrongful death stemming from the city's failure to adequately observe and supervise the decedent while confined in isolation.

The city of Bismark is not only liable for compensatory damages stemming from the wrongful death of an inmate who committed suicide, but also liable for punitive damages.

Duncan v. Oregon State Correctional Institution, 580 P.2d 1047 (Ore. App. 1978) A preliminary placement of a prisoner in a segregation and isolation unit pending subsequent disciplinary hearings is not reviewable by the court.
The prisoner was not prejudiced by a disciplinary order placing him in segregation and isolation for one year since this time was credited against his sentence.

Penrod v. Cupp, 581 P.2d 934 (Sup. Ct. Ore. 1978) Habeas corpus is available to an inmate to test the lawfulness of conditions of imprisonment such as segregation or isolation in situations where other procedural remedies are not swift enough. Any restraint in addition to that of sentencing is subject to relief through the writ.

XI. Punitive isolation (solitary confinement)

Mawhinney v. Henderson, 542 F.2d 1 (2nd Cir. 1976) Transfer to isolation cell is disciplinary for which *Wolff* due process must be accorded.

United States v. Chatman, 584 F.2d 1358 (4th Cir. 1978) It was not unreasonable to put an inmate in confinement, after a hearing, for sending a threatening letter to a judge.

Finney v. Arkansas, 505 F.2d 194, 208 (8th Cir. 1974) Required prisoners in "isolation" not be "deprived of basic necessities including light, heat, ventilation, sanitation, clothing, and proper diet."

Finney v. Mabry, 458 F. Supp. 720 (D.C. Ark. 1978) The court issued a decree that no inmate would be confined in punitive segregation for any one disciplinary action for more than 30 consecutive days.

Wright v. Enomoto, 462 F. Supp. 397 (D.C. Cal. 1976) When a prisoner is transferred from the general prison population to maximum security, this impairment of liberty requires the opportunity to appear before a decision-making body. He also has the right to receive a written statement of reasons for the decision to punish him, advance notice of the charges against him, an opportunity to present witnesses and evidence, and if the inmate is illiterate or the issues are complex, counsel substitute to help him prepare his defense.

Poindexter v. Woodson, 357 F. Supp. 443 (D. Kan. 1973) cert. den. 433 U.S. 846 (1975) Emphasis was placed on physical deprivations, lack of food, hygiene, clothing and bedding.

Berch v. Stahl, 373 F. Supp. 412 (W.D.N.C. 1974) Court concerned not only with lack of privacy and sensory deprivations.

Giampetruzzi v. Malcolm, 406 F. Supp. 836 (S.D.N.Y. 1975) (N.Y. City Jail) Classification to segregation is a grievous loss requiring procedural due process (1) written notice of hearing and reasons, (2) right to present witnesses, (3) unbiased hearing body, (4) limited right of confrontation and counsel, (5) written decision, (6) 30 day review of classification.

Imprisoned Citizens Union v. Shapp, 451 F. Supp. 893 (E.D. Pa. 1978) The conditions within the "glass cage" cells at the State Correctional Institution at Huntington constitute a serious threat to the physical and mental well-being of the prisoners confined there.
Conditions in the maximum security cell blocks at Graterford Prison and Dallas State Correctional Institution do not constitute cruel and unusual punishment.
The conditions in the administrative and punitive segregation units at the Muncy State Correctional Institution do not constitute cruel and unusual punishment.

U.S. ex rel. Hoss v. Cuyler, 452 F. Supp. 256 (D.C. Pa. 1978) Solitary confinement does not fall into the category of unacceptable punishment *per se*.
Segregation of a prisoner must be imposed as a prevention of violence and prison security rather than merely for punishment for misconduct.
Wide discretion is vested in the judgment of prison officials to use segregation as a proper administrative tool for a lengthy or even an indefinite period of time.
An inmate in segregated confinement status should be provided with guidelines and factors to be considered in his release determination. Medical and psychological opinion should also be considered in assessing an inmate's behavioral adjustment. The inmate is entitled when reviewed to know what good and bad conduct during segregation is taken into consideration on the decision for or against release.

Falkenstein v. City of Bismark, 268 N.W. 2d 787 (N.D. 1978) Damages were awarded in an action for the suicide of a jail inmate. It was held the suicide was the result of being in "the hole" for an extended period of time. It was further found that punitive damages were recoverable because of the reckless disregard of the prisoner's rights.

Gordon v. Oregon State Penitentiary, Corrections Division, 582 P.2d 19 (Ore. App. 1978) The court affirmed the holding of a prisoner in isolation for nine days, although the disciplinary committee violated its own rules by confining him over seven days without finding that the inmate constituted a threat to the security of the institution.

XII. Search and seizure

Bell v. Wolfish, 99 S.Ct. 1861 (1979) Pre-trial detainees have no right to be present or watch room searches. Room searches are a reasonable security measure and do not infringe the detainee's right to privacy. Body cavity searches are not unreasonable and do not violate the constitution. They can be conducted on less than probable cause as long as they are not conducted in an abusive manner. Requiring inmates to expose their body cavities for visual inspection as a part of a strip search conducted after every contact visit with a person from outside the institution is constitutional even in the absence of probable cause.

Bell v. Manson, 590 F.2d 1224 (2nd Cir 1978) When strip searches of pretrial detainees after court appearances are used, the state has the burden of proving a compelling necessity of such searches for prison security.

Hurley v. Ward, 584 F.2d 609 (2nd Cir. 1978) Anal and genital searches of prisoners are prohibited unless there is probable cause to justify the necessity of such searches.

U.S. v. Lilly, 576 F.2d 1240 (5th Cir. 1978) Body cavity searches are not unreasonable, per se, but once undertaken there is a burden on the government to show that the search is furtherance of a legitimate penological need which could not have been satisfied by less intrusive means.

This case suggests: reasonableness for a search can be established

1. Through information suggesting specific cause to search a given inmate.
2. Through creating the general expectation among the inmates that searches may take place in given circumstances.

United States v. Henderson, 565 F.2d 900 (5th Cir. 1978) A prisoner has the right to remain silent during a search of his person by prison guards.

Carroll v. Sielaff, 514 F.2d 415 (7th Cir. 1975) Taking of personal property by prison staff may state a claim under 1983 suit.

Holder v. Claar, 459 F. Supp. 850 (D.C. Colo. 1978) Inmates have legal protection against the unjustified taking of personal property by prison officials provided that the property belongs to the inmate.

Palmigiano v. Travisono, 317 F. Supp. 776 (D.R.I. 1971) Right to be free from unreasonable searches and seizures is one of the rights retained by prisoners.

Christian v. Owens, 461 F. Supp. 72 (D.C. Va. 1978) The administratrix of a deceased jail inmate brought a civil rights action against jail authorities for failing to properly search the inmate. As a result the prisoner shot himself with a gun. It was held that strip searches were not in accordance with existing practices for persons arrested for driving under the influence of alcohol and therefore no rights of the inmate were violated by not strip searching him.

People v. Valenzuela, 589 P.2d 71 (Colo. App. 1978) Searches of inmates are permissible even if made without probable cause, provided such searches are not done cruelly or are not accompanied by any intent to harass, humiliate, or intimidate the inmate.

Body cavity searches are permissible unless it can be demonstrated that such searches bear no reasonable relationship to the requirement of maintaining security.

State v. Martinez, 580 P.2d 1282 (Hawaii 1978) Where the defendant was aware of the prison's policy of conducting strip searches on those who wish to visit the prison, her consent to the strip search will be implied and the search itself is not unreasonable.

People v. Elkins, 377 N.E.2d 569 (Ill. App. 1978) The warrantless search of the defendant's cellblock for drugs and weapons was not unreasonable.

Although the defendant was in custody when a jail officer asked him to identify his bank, *Miranda* warnings were not required since such was merely a routine and preliminary inquiry.

Woodfox v. Phelps, 23 Cr. L. 2376 (La. D. 1978) Anal searches of prisoners may only be conducted when an inmate returns from a contact visit with outsiders or is transferred from the general population to the segregation unit.

State v. Bishop, 392 A.2d 20 (Me. 1978) Marijuana is included as "contraband" when possessed by a person in custody.

State v. Kerns, 271 N.W.2d 48 (Neb. 1978) Prisoners are subject to reasonable search and seizure without notice as long as it relates to a legitimate institutional need.

XIII. Conditions of confinement

A. Application of the Eighth Amendment

Gregg v. Georgia, 428 U.S. 153 (1976) The Eighth Amendment proscribes the "unnecessary and wanton infliction of pain is not limited to specific acts directed at selected individuals, but is equally pertinent to general conditions of confinement that may prevail at a prison," 501 F.2d at 1300-01.

Trop v. Dulles, 356 U.S. 86 (1958); *Holt v. Sarver*, 309 F. Supp. 362 (E.D. Ark. 1970), aff'd 442 F.2d 304 (8th Cir. 1971) The Eighth Amendment prohibits practices and confinement in conditions that are shocking to the conscience of reasonably civilized people.

Weems v. United States, 217 U.S. 349 (1910); *O'Brien v. Moriarty*, 489 F.2d 941 (1st Cir. 1974) A prisoner may not be subjected to a punishment, taking into consideration the conditions of confinement, which is disproportionate to the offense for which it was imposed.

O'Brien v. Moriarty, 489 F.2d 941 (1st Cir. 1974); *Pugh v. Locke* 406 F. Supp. 318 (M.D. Ala. 1976) Prisoners may not be subjected to punitive conditions which bear no reasonable relationship and are not necessary to achieve legitimate correctional goals.

Hite v. Leeke, 564 F.2d 670 (4th Cir. 1977) Even though cells were originally planned and designed for single occupancy, the assignment of inmates to double occupancy did not constitute cruel and unusual punishment where each cell contained 65 square feet in area.

Cook v. Hanberry, 596 F.2d 658 (5th Cir. 1979) A prisoner was not entitled to a transfer to another federal prison. He failed to allege that practices of allegedly cruel and unusual punishment were continued or that there was any threat of such continued treatment.

Freedom from cruel and unusual punishment is not freedom from otherwise lawful incarceration. The prisoner only has the right to be free from that mistreatment occurring within the confines of his incarceration.

Gates v. Collier, 349 F. Supp. 881 (1972) aff'd 501 F.2d 1291 (5th Cir. 1974) Prohibition of Eighth Amendment against cruel and unusual punishment is not limited to specific acts directed at selected inmates, but is equally applicable to general conditions of confinement that may prevail at a prison.

Newman v. Alabama, 559 F.2d 283 (5th Cir. 1977) cert. den. 438 U.S. 915 (1978), modified 438 U.S. 781 (1978) "If the State furnishes its prisoners with reasonably adequate food, clothing, shelter, sanitation, medical care, and personal safety, so as to avoid the imposition of cruel and unusual punishment, that ends its obligations under Amendment Eight.

The Constitution does not require that prisoners, as individuals or as a group, be provided with any and every amenity which some person may think is needed to avoid mental, physical and emotional deterioration," 559 F.2d at 291.

Williams v. Edwards, 547 F.2d 1206 (5th Cir. 1977) Although a constitutional question does not necessarily arise merely because of failure to comply with state law, lack of compliance with state norms can be significant in making a finding of constitutionality. State fire and sanitation codes reveal the minimum standards of habitability by which the state purposes to govern itself and provide a valuable index of what is minimal for human habitation in the public view. The district judge did not err in requiring the prison to comply with state fire and sanitation codes; 547 F.2d at 1214.

Walker v. Little, 22 Cr. L. 4229 (7th Cir. 1977) cert. den. (U.S. 1978) Conditions imposed upon inmates who were transferred to segregation at their request were so unreasonable as to constitute cruel and unusual punishment, and prison officials asserted ignorance of the conditions in the segregation facility will not serve as a defense.

Cotton v. Hutto, 577 F.2d 453 (8th Cir. 1978) By not providing a prisoner with the proper tub facilities for his colostomy condition, the resulting pain amounted to cruel and unusual punishment by prison authorities.

Battle v. Anderson, 564 F.2d 388 (10th Cir. 1977) The Eighth Amendment protects prisoners from "an enviornment where degeneration is probable and self-improvement unlikely because of the conditions existing which inflict needless suffering, whether physical or mental," 564 F.2d at 393.

Bono v. Saxbe, 450 F. Supp 934 (E.D. Ill. 1978) The use of closed-front cells in the prison's "control unit" violated the constitutional prohibition against cruel and unusual punishment.

The placement of a prisoner within the "control unit" cannot be justified solely upon the type of offense he was convicted of nor the possibility of escape since all prisoners represent that possibility.

U.S. ex rel. Hood v. Cuyler, 452 F. Supp. 256 (D.C. Pa. 1978) Deference is traditionally granted to prison officials decisions by the federal courts when assessing whether the actions of prison officials constitute cruel and unusual punishment.

Imprisoned Citizens Union v. Shapp, 451 F. Supp. 893 (E.D. Pa. 1978) The conditions within the "glass cage" cells at the State Correctional Institution at Huntington constitute a serious threat to the physical and mental well-being of the prisoners confined there.

Laaman v. Helgemoe, 437 F. Supp. 269 (D.N.H. 1977) "Even though no single condition of incarceration rises to the level of a constitutional violation, exposure to the cumulative effect of prison conditions may subject inmates to cruel and unusual punishment," 427 F. Supp. at 322-32. "The touchstone is the effect upon the imprisoned. Where the cumulative impact of the conditions of incarceration threatens the physical, mental, and emotional health and well being of the inmates and/or creates a probability of recidivism and future incarceration . . . imprisonment under such conditions . . . contravenes the Eighth Amendment's proscription against cruel and unusual punishment."

Cooper v. Lombard, 409 N.Y.S.2d 30 (N.Y.A.D. 1978) Jail conditions do not have to be of equal quality to state correctional facilities.

State v. Werner, 242 S.E.2d 907 (W. Va. 1978) Punitive practices such as floor time, bench time, and solitary confinement in juvenile facilities are cruel and unusual punishment.

B. Court's remedial power

Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S., 1, 15 (1971) "Once a right and a violation have been shown, the scope of the district court's equitable powers to remedy past wrong is broad, for breadth and flexibility are inherent in equitable remedies."

Procunier v. Martinez, 416 U.S. 396, 405 (1974) See also, *Campbell v. Beto*, 460 F.2d While state prison officials enjoy wide discretion in the operation of state penal institutions, " . . . a policy of judicial restraint cannot encompass any failure to take cognizance of valid constitutional claim."

Newman v. Alabama, 503 F.2d 1320, 1332 (5th Cir. 1974) cert. den. 421 U.S. 948 (1975) In reordering a state prison system to bring its system into compliance with the Constitution, the Court has the power to fashion relief "coterminous with the scope of the constitutional violations."

Holt v. Sarver, 309 F. Supp. 362, 385; aff'd 442 F.2d 304 (8th Cir. 1971); See also *Wyatt v. Aderholt*, 503 F.2d 1305 (5th Cir. 1974) " . . . the obligation of the Respondents to eliminate existing unconstitutionalities does not depend upon what the Legislature may do, or upon what the Governor may do, or, indeed, upon what Respondents may actually be able to accomplish. if Arkansas is going to operate a Penitentiary system that is countenanced by the Constitution of the United States."

Payne v. Day, 440 F. Supp. 785 (W.D. Okla. 1977) Federal prisoners are required to exhaust their administrative remedies within the Bureau of Prisons before bringing a suit challenging the conditions of their confinement.

C. Overcrowding

1. Double celling and square footage requirements

Bell v. Wolfish, 99 S. Ct. 1861 (May 1979) Double bunking does not deprive pretrial detainees of their liberty without due process. A particular restriction is valid as long as it is reasonably related to a legitimate nonpunitive governmental objective.

Hite v. Leeke, 564 F.2d 670 (4th Cir. 1977) Even though cells were originally planned and designed for single occupancy, the assignment of inmates to double occupancy did not constitute cruel and unusual punishment where each cell contained 65 square feet in area.

Johnson v. Levine, 588 F.2d 1378 (4th Cir. 1978) Double celling and other results of substantial overcrowding amounted to a constitutional violation. The court ordered that the overcrowding be eliminated.

Burks v. Walsh, 461 F. Supp. 454 (D.C. Mo. 1978) Double celling of prison inmates in a 65-foot cell in administrative segregation was held to be tolerable in light of the fact that the common areas of the unit were clean and the unit was used only to punish those inmates who had committed serious offenses while confined.

Chapman v. Rhodes, 434 F. Supp. 1007 (S.D. Ohio 1977) (Lucasville) In a new institution where the 63-foot-square cells were designed for one, double celling was improper.

Palmigiano v. Garrahy, 443 F. Supp. 956 (D.R.I. 1977) Rhode Island State Prison System. No more than one prisoner in any cell with less than 60 square feet, and, in dorms, at least 75 square feet per prisoner.

Rodriguez v. Jimenez, 409 F. Supp. 582 (E.D.P.R. 1976) aff'd 551 F.2d 877 (5th Cir. 1977) (San Juan Jail) Every inmate entitled to 70 square feet of living space (housing area only) as court limited entire population to 231 inmates; population at time of order was 580.

Jordan v. Wolke, 460 F. Supp. 1080 (D.C. Wis. 1978) Prison officials were permanently stopped from holding more than two pretrial detainees in a 90-square-foot cell. The minimum area for one detainee is 45 square feet.

Battle v. Anderson, 564 F.2d 388, 395 (10th Cir. 1977) After noting that "minimum space to call one's own is a primary psychological necessity" and referring to the American Public Health Association Standards, court upheld district court's order of 60 square feet for cells and 75 square feet for dormitories.

Detainees of Brooklyn House of Detention v. Malcolm, 520 F.2d 392 (2nd Cir. 1975) Double celling (two inmates in 5×8' cell) found to be unconstitutional even absent other conditions which might impose substantial or additional hardships on inmates.

Ahrens v. Thomas, 434 F. Supp. 873 (W.D. Mo. 1977) modified 570 F.2d 286 (8th Cir. 1978) (Platte County, Mo. Jail) A density 10-12 square feet of space per inmate was unconstitutional. Court ordered at least 70 square feet of cell space.

Ambrose v. Malcolm, 414 F. Supp. 485 (S.D.N.Y. 1976) The correct standard for determining constitutionally acceptable levels for prison population is the rated capacity of the institution and not the number of infractions (presumably indicative of tension or aggression) per man at varying population levels.
Court required 75 square feet of space.

Anderson v. Redman, 429 F. Supp. 1105 (D. Del. 1977) Minimum to which inmate was entitled was 60 square feet of floor space and 500 cubic feet of space, but because of the construction and arrangement of the dormitories, inmates must have at least 75 square feet of floor space. (Court halted the use of dining rooms, library and television rooms for the housing of inmates).

Chapman v. Rhodes, 434 F. Supp. 1007 (S.D. Ohio 1977) Double celling in cells designed for one person and containing 63 square feet of space is unconstitutional. But, Court noted that inmates are not entitled to private living quarters.

Gates v. Collier, 423 F. Supp. 732 (N.D. Miss. 1976) aff'd 548 F.2d 1241 (Mississippi State Prison) " . . . 50 square feet of living space per inmate is the minimal acceptable requirement to conform with the Constitution."

Johnson v. Lark, 365 F. Supp. 289 (E.D. Mo. 1973) (St. Louis City Jail) No more than two prisoners per 5×8 foot cell.

Johnson v. Levine, 450 F. Supp. 648 (D. Md. 1978), aff'd in part and rev'd in part, 588 F.2d 1378 (4th Cir. 1978) Double celling in 40-square-foot cells is unconstitutional. Dormitories which provide approximately 55 square feet of living space per inmate and 80 square feet of living space per inmate (including recreation area) are not unconstitutional. Standards adopted by groups of penologists do not constitute constitutional minima. The court declined to find that confinement of a single inmate in a 40 square foot cell is unconstitutional, even though the ACA recommends 60 square feet.

Jones v. Wittenberg, 330 F. Supp. 707 (N.D. Ohio 1971); aff'd 456 F.2d 854 (Lucas County, Ohio Jail) No more than two inmates per cell except in extreme emergencies when this may be exceeded for no more than 24 hours. (Cell size unknown)

Laaman v. Helgemoe, 437 F. Supp. 269 (D.N.H. 1977) (New Hampshire State Prison) The New Hampshire prison is not overcrowded and, although the cells do not meet minimum space requirements, each man has one to himself. 437 F. Supp. at 306. Cell size is a factor to be weighed in determining recreation and exercise requirements.

M.C.I. Concord Advisory Board v. Hall, 447 F. Supp. 398 (D. Mass. 1978) (Massachusetts Correctional Institution at Concord) Double celling in one unit where the inmate's stay is temporary and where the prisoners may remain outside their cells six hours a day does not violate the Eighth Amendment. Confinement in other units was found unconstitutional on the basis of the totality of the living conditions there: double celling in rooms designed for single occupancy, lack of adequate fresh air, plumbing, lighting, ventilation, and the dearth of vocational and recreational facilities, 447.

Nelson v. Collins, 455 F. Supp. 727 (D. Md. 1978), aff'd in part and rev'd in part, 588 F.2d 1378 (4th Cir. 1978) (Maryland Penitentiary and the Maryland Reception, Diagnostic and Classification Center) Double celling under the circumstances (44 square feet cells designed for single occupancy) held to violate the Constitution. The cells are much smaller, the facility is much older, and prisoner movement is much more restricted than in *Hite v. Leeke*.

Pugh v. Locke, 406 F. Supp. 318 (M.D. Ala. 1976); aff'd 559 F.2d 283 No more than one prisoner to a cell and each shall have a minimum of 40 square feet of space. In six months inmates placed in isolation shall be afforded at least 60 square feet.

Trigg v. Blanton, No. A-6047 (Davidson Co., Tenn., Chancery Ct., August 23, 1978) (Tennessee State Prison System) The court ordered single celling in cells with less than 60 square feet of floor space.

2. Standards to be used in determining overcrowding

Valvano v. Malcolm, 520 F.2d 392 (2nd Cir. 1975) Confinement in pre-trial detention facilities above rated capacities creates a restrictive and deplorable living environment constituting an intolerable violation of the detainees' constitutional rights.

Crowe v. Leeke, 540 F.2d 740 (4th Cir. 1976) (South Carolina Correctional Institution) Confinement of three protective custody inmates in a 63-square-foot cell with two beds for all but a few hours a week does not violate the Eighth Amendment. The number of inmates who may be safely assigned to a cell is within the sound discretion of prison administrators.

Hite v. Leeke, 564 F.2d 670 (4th Cir. 1977) After noting that they were dealing with a new 12 million dollar facility where prisoners had a wide range of movement and where there were no other aggravating conditions, court approved two prisoners in 65-square-foot rooms.

Newman v. Alabama, 559 F.2d 283 (5th Cir. 1977) cert. den. 438 U.S. 915 (1978), modified 438 U.S. 781 (1978) Court's order of 60 square feet per man, the court could not agree that "design" standards, without more, amount to a per se constitutional limitation on the number of prisoners who may be housed in particular facility. "Those who design prisons are not vested with either the duty or the power to prescribe constitutional standards as to prison space." While design standards of existing facilities may be used as a tool for determining constitutional capacity, trial judge is not bound by this in determining capacity.

Williams v. Edwards, 547 F.2d 1206 (5th Cir. 1977) The functions and characteristics of each building should be taken into account in arriving at the capacity of each. A simple mathematical calculation of total square feet of space divided by a standard of square feet per man may not necessarily be appropriate or practical.

Finney v. Hutto, 410 F. Supp. 251 (E.D. Ark. 1976), aff'd 548 F.2d (8th Cir. 1976), aff'd 437 U.S. 678 (1978). (Arkansas state prison system) "The question of whether a prison is overcrowded to the point of unconstitutionality involves more than determining how many square feet of living space are allocated to individual inmates. Regard must be had to the quality of the living quarters and to the length of time which inmates must spend in their living quarters each day . . . " 410 F. Supp. at 254. The question of overcrowding involves a determination of not only the total population but also of its distribution. The court imposed maximum population limits on the two prisons in question here and also required that individual unit capacities set forth in a report filed with the court not be exceeded except in emergency situations.

Stewart v. Gates, 450 F. Supp. 583 (C.D. Ca. 1978) There is no specific square footage requirement to meet constitutional standards. Some of the courts which have held otherwise were concerned with antiquated structures that were unsatisfactory in many respects; or inmates were confined virtually day and night. Here jail is of modern construction and inmates have several daily breaks out of their cells. (Finding 21.5 square feet to be adequate.)

West v. Edwards, 439 F. Supp. 722 (D.S.C. 1977) (Kirkland Correctional Institute, South Carolina) Placement of three inmates in a 66 square foot cell, where the prisoners have access to day rooms and other areas, does not violate the Eighth Amendment.

In reference to allegations of prison overcrowding, the court will include as "living space" areas outside individual cells that are within the prisoner's access.

Carson v. Miller, 370 So.2d 10 (Fla. 1979) The Department of Offender Rehabilitation did not comply with the statutory duty to prescribe "standards and requirements" governing the prison housing capacities.

Burks v. Walsh, No. 77-4008 CV-C (W.D. Mo. Nov. 1978) (Missouri State Penitentiary) Double celling in 47.18 square foot cells and triple celling in 59.2 square foot cells is cruel and unusual punishment. Double celling in general population units with 65 and 109 square foot cells was upheld, but was found unconstitutional in three units with 47 square foot cells. Double celling in the 59 square foot diagnostic unit cells was approved, despite the amount of time spent in the cells, since inmates are housed there for only short periods of time (1 to 5 weeks). Triple celling there and in the 76 square foot cells of the administrative and punitive segregation units, however, was held to be cruel and unusual punishment under the circumstances. Double celling in the latter two units was upheld by the court, which said that their use as a means of discipline makes the administration's practices with regard to them "particularly deserving of judicial deference."

Jordan v. Wolke, 450 F. Supp. 1080 (E.D. Wisc. 1978) (Milwaukee County, Wisc. Jail) "Design Capacity" is only one factor which must be weighed. Additional factors include: (a) additional area provided (day rooms, corridors, etc.), (b) amount of time spent away from cell, (c) multiple celling (deprivation of privacy).

Burks v. Walsh, No. 75-CV-149 C (W.D. Mo., November 3, 1978) (Missouri State Penitentiary). The penitentiary is not unconstitutionally overcrowded as a whole in view of the large amount of acreage, the inmates' relative freedom of movement and the many activities available to them, but it must also be considered how inmates are distributed. Design capacity is not a constitutional limitation on the number of prisoners who may be housed, nor do various professional associations' minimum square footage standards constitute constitutional minima. Each housing unit must be evaluated not only in terms of cell size but also with reference to the inmates' ability to move outside their cells and to participate in programs.

D. Medical care

1. General

Estelle v. Gamble, 429 U.S. 97 (1976) reh. den. 429 U.S. 1066 (1976) Deliberate indifference to the medical needs of prisoners violates the 8th Amendment. Mere negligence is insufficient for liability. Indifference may be manifested by prison doctors in their response to the prisoner's needs or by prison guards in intentionally denying or delaying access to medical care or intentionally interfering with the treatment once prescribed, 429 U.S. at 104-105.

Todaro v. Ward, 565 F.2d 48 (2nd Cir. 1977) The medical records produced by prisoners incarcerated at the Bedford Hills Correctional Facility showed that existing medical treatment afforded at the institution was insufficient.

West v. Keve, 571 F.2d 158 (3rd Cir. 1978) A prisoner's complaint alleging that various prison officials were deliberately indifferent to his medical needs or that the officials deliberately delayed needed medical attention is not barred by the doctrine of official immunity nor the 11th Amendment.

Deliberate indifference includes post-operative treatment and although prisoner has been provided with a pain reliever such as aspirin, this may not constitute adequate medical care.

Gates v. Collier, 501 F.2d 1291, 1302 (5th Cir, 1974) " . . . the adequacy of conditions of confinement of prisons—such as medical treatment, hygienic materials, and physical facilities—is clearly subject to 8th Amendment scrutiny."

Hurst v. Phelps, 579 F.2d 940 (5th Cir. 1978) A claim for denial of medical treatment may exist where prison officials prevent an inmate to be taken to a doctor's appointment, based on the fact that he is a safety risk.

Hancock v. Unknown United States Marshall, 587 F.2d 377 (8th Cir. 1978) A prisoner's claim of cruel and unusual punishment was dismissed because he failed to give specific facts that would have shown any deliberate indifference to his serious medical needs.

Cole v. Multnomah County, 592 P.2d 221 (Ore. App. 1979) Correction officials were not held liable to an inmate due to a suicide attempt in failing to furnish medical attention when the officials were not reasonably aware of the inmate's propensity.

Aripa v. Department of Social and Health Services, 588 P.2d 185 (Wash. 1978) Where the Department provided a basic alcohol treatment program at a state prison which consisted of a variety of treatment components, inmates' claims for more comprehensive and individualized treatment were deemed inappropriate.

Costello v. Wainwright, 397 F. Supp. 20 (M.D. Fla. 1973) aff'd 525 F.2d 1239 (5th Cir. 1974) The institution has an affirmative duty to establish a medical care system that will meet the medical care needs of the inmates. Failure to establish such a system is a violation of the Eighth Amendment.

Sconiers v. Jarvis, 458 F. Supp. 37 (D.C. Kan. 1978) Giving medical treatment to an inmate who objects may be necessary to protect him and/or other inmates from the possibility of harm.

McCormick v. City of Wildwood, 439 F. Supp. 769 (D. N.J. 1977) A jailer's duty to provide reasonable medical care is nondelegable and the duty attaches as soon as the individual is placed in his custody.
A prisoner is under no duty to obtain his release by paying a fine so that he may seek medical treatment.

Coleman v. Crisp, 444 F. Supp. 31 (W.D. Okla. 1977) A prisoner's allegations concerning inadequate medical care did not evidence a deliberate indifference by state prison officials, therefore, no recovery may be had.

In re Coca, 149 Ca. Rptr. 465 (Cal. App. 1978) The Department of Corrections was found to have violated civilized standards of decency because of their indifferences to a prisoner's serious medical condition.

2. Elements of a constitutional medical care delivery system

a. Sufficient Medical Personnel

Campbell v. Beto, 460 F.2d 765 (5th Cir. 1972) The use of unlicensed persons to diagnose ailments and prescribe medicine is unconstitutional.

McCray v. Sullivan, 509 F.2d 1332 (5th Cir. 1975) Prison policy of sending a medical assistant to visit punitive isolation to determine which inmates would be able to see the doctor is constitutional.

Sweet v. South Carolina DOC, 529 F.2d 854 (4th Cir. 1975) Where two medical technicians visited protective custody three times a day to receive complaints and provide medication, prison met constitutional standards for medical care.

Newman v. State of Alabama, 503 F.2d 1320 (5th Cir. 1974) cert. den. 421 U.S. 948 (1975) The paramount concern regarding the quality of medical care in the Alabama prison system is insufficient staffing.

Gates v. Collier, 349 F. Supp. 881 (1972); aff'd 501 F.2d 1291 (1974) Medical staff for a 1,700-man prison in Mississippi must consist of at least three full-time doctors, two full-time dentists, two full-time trained physician's assistants, six registered nurses or licensed practical nurses, one medical records librarian, and two medical clerical personnel.

Johnson v. Levine, 450 F. Supp. 648 (D. Md. 1978), aff'd in part and rev'd in part, 588 F.2d 1378 (4th Cir. 1978) The new prison hospital and its staffing are adequate to meet constitutional standards (two doctors on the premises 20 hours per week per doctor and eleven registered nurses).

Williams v. McKeithen, Docket No. 71-98 (M.D. La. 1975) (Unreported), aff'd 547 F.2d 1206 (5th Cir. 1977) State officials in Louisiana must provide the following medical staff for a prison of approximately 2,600 inmates: four full-time doctors, one psychiatrist, two dentists, one psychologist, 11 physician assistants, one dental assistant, three registered nurses, one x-ray technician, one pharmacist, one laboratory technician, and two medical records technicians. The use of inmates and other non-professional personnel to perform medical procedures must be discontinued.

Williams v. Edwards, 547 F.2d 1206 (5th Cir. 1977) Conditions were held unconstitutional. The major medical unit serving the prison was not accredited, and it was operated for extended periods without a resident physician. Only two of the medical staff were licensed to practice medicine, and there were no registered nurses. Many positions involving delivery of medical care were filled by untrained inmates; two-thirds of these inmates had no more than an eighth grade education.

Hines v. Anderson, 439 F. Supp. 12 (D. Minn. 1977) In regard to the Minnesota State Prison, the medical staff shall consist of a full-time physician on daily, weekend, and "on-call" duty.

Battle v. Anderson, 376 F. Supp. 402 (E.D. Okla. 1974) One full-time dentist is not adequate for a 900-man facility.

Trigg v. Blanton, No. A-6047 (Davidson Co., Tenn., Chancery Ct., August 23, 1978). The court ordered that health care be provided in facilities in compliance with state and local statutes and regulations pertaining to environmental sanitation and safety in civilian medical facilities. Institutional hospitals must meet the minimum standards of the Joint Commission on Accreditation of Hospitals. All inmates shall have access upon demand to timely treatment by a licensed physician. An effective system for the review of health personnel competence and of the quality and quantity of the care provided inmates shall be established.

b. Around-the-Clock Staffing

Mitchell v. Untriener, 421 F. Supp. 886 (N.D. Fla. 1976) (Escambia County, Fla. Jail) Twenty-four-hour medical care for inmates of Escambia County Jail (Fla.) is required.

Battle v. Anderson, 376 F. Supp. 402 (E.D. Okla. 1974) Nursing care 24 hours-a-day, seven days a week is required for a 900-man jail.

Barnes v. Virgin Islands, 415 F. Supp. 1218 (1976) Twenty-four-hour emergency care and regular visits by physicians are required.

Goldsby v. Carnes, 365 F. Supp. 395 (1973) (Jackson County, Missouri) modified 429 F. Supp. 370 (W.D. Mo. 1977) Officials entered into a consent order requiring one registered nurse to be on duty from 8:00 a.m. to 4:00 p.m. Monday through Friday and sufficient physician assistants to provide 24-hour medical coverage.

Miller v. Carson, 401 F. Supp. 835 (1975) In a 400-man jail, a physician or licensed physician's assistant must be on call 24 hours a day.
But see:

Coxson v. Godwin, 405 F. Supp. 1099 (1975) Medical care is adequate without a full-time nurse or infirmary, but attendance at the institution must be sufficient to meet all problems of the inmates, not just those who can be fitted into a particular period of time.

c. Medical Procedures Performed by Professional Medical Staff

Brown v. McGowan, 445 F. Supp. 468 (D.C. Colo. 1978) The plaintiff prisoner was not denied his constitutional right to medical treatment merely because the prison physician disagreed with his contention that he needed an ankle operation.

Todaro v. Ward, 431 F. Supp. 1129 (S.D.N.Y. 1977), aff'd 565 F.2d 48 (2nd Cir. 1977) The prison health care delivery system was held unconstitutional because access to primary care physicians was denied or substantially delayed by initial screening procedures and by inadequate recordkeeping. The system's delivery of follow-up laboratory services and medical appointments was also unconstitutionally carried out, unnecessarily prolonged pain and created risk of dire consequences. Delays in administration of admission physical examination, where they did not result in introduction of infections into the population or placement of inmates in medically harmful jobs, did not violate the Eighth Amendment.

Boyce v. Alizaduh, 595 F.2d 948 (4th Cir. 1979) An error of judgment or inadvertent failure to provide adequate medical care to a prisoner will not support a constitutional violation. Only where there is deliberate indifference to serious medical needs of an inmate will the conduct of a physician be held to be a constitutional violation.

Laaman v. Helgemoe, 437 F. Supp. 269 (D.N.H. 1977) The systematic absence of complete routine physical examinations, blood tests, syphilis tests, and other preventive medical measures endangers the entire prison community. The order required, among others: prompt medical examination and medical history by a physician upon commitment; annual reexamination; minimum staff and dispensation of medications only by appropriately trained staff; emergency medical care available at all times with at least one member of the medical staff always present in the infirmary; a sick call procedure under which the need for care is determined by a member of the medical staff; an intercom system in the infirmary; and regular inspection of the medical facility by the State Department of Public Health.

Miller v. Carson, 401 F. Supp. 835 (1975) aff'd 563 F.2d 741 (5th Cir. 1977) Leaving the ultimate decision of who is to receive medical attention in the hands of a non-medical correctional officer is totally inadequate.

Jones v. Wittenberg, 330 F. Supp. 707 (N.D. Ohio 1971) aff'd 456 F.2d 854 (6th Cir. 1972) Prescription of medication by jail nurse is prohibited.

But see:

Palmigiano v. Garrahy, 443 F. Supp. 956 (D.R.I. 1977) Deficiencies cited by the court: lack of laboratory testing capability (no centrifuge, electorcardiogram, or equipment for elementary blood, urine, VD, and other tests); lack of emergency equipment for treatment of coronary problems; administration of potentially harmful medications without a physician's order; and lack of written procedures for response to emergencies and potential epidemics. The court ordered defendants to bring the health care delivery system into compliance with the minimum standards of the American Public Health Association, the U.S. Public Health Service, and the State Department of Health.

d. Adequacy of Quality and Quantity of Medical Equipment and Supplies

Newman v. State of Alabama, 349 F. Supp. 278, (M.D. Ala. 1972) modified 522 F.2d 171 (5th Cir. 1975) cert. den. 421 U.S. 948 (1975) Serious shortages of medication and use of anachronistic and precarious medical techniques will not be tolerated.

Miller v. Carson, 401 F. Supp. 835 (1975) aff'd 563 F.2d 741 (5th Cir. 1977) Antiquated equipment is inadequate.

Williams v. McKeithen, Docket No. 71-98 (M.D. La. 1975) (Unreported), aff'd 547 F.2d 1206 (5th Cir. 1977) Purchase of three fully-equipped ambulances was ordered.

Newman v. State of Alabama, 349 F. Supp. 278, (M.D. Ala. 1972) modified 522 F.2d 171 (5th Cir. 1975) cert. den. 421 U.S. 948 (1975) The unavailability of eyeglasses and prosthetic devices is cited.

Finney v. Arkansas Board of Corrections, 505 F.2d 194 (1974) The lack of basic x-ray and emergency services is cited.

Gates v. Collier, 349 F. Supp. 881 (1972) aff'd 501 F.2d 1291 (5th Cir. 1974) Hospital and equipment was ordered brought up to standards for state licensing of hospital.

Norris v. Frame, 585 F.2d 1183 (3rd Cir. 1978) There is no constitutional right to methodone. No pretrial detainee or citizen can compel the state to provide him with the drug.

Cotton v. Hutto, 577 F.2d 453 (8th Cir. 1978) By not providing a prisoner with the proper tub facilities for his colostomy condition, the resulting pain amounted to cruel and unusual punishment by prison authorities.

e. Sanitary Facilities/Segregation of Contagious Diseases

Gates v. Collier, 349 F. Supp. 881 (1972) aff'd 501 F.2d 1291 (5th Cir. 1974) Unsanitary conditions, particularly in the TB Ward allowing some inmates with serious contagious diseases to mingle with the general population were cited as reasons for a finding of unconstitutional facilities.

Newman v. State of Alabama, 349 F. 278 (M.D. Ala. 1972) modified 522 F.2d (5th Cir. 1975) cert. den. 421 U.S. 948 (1975) Glaring unhygienic conditions, including the potential for contagion caused by nonsegregated sanitary facilities for the general ward population and hepatitis and tuberculosis ward populations were condemned.

Hamilton v. Schiro, 338 F. Supp. 1016 (E.D. La. 1970) Lack of isolation or quarantine areas for those with contagious disease was, together with other conditions, unconstitutional.

But see:

Chapman v. Plageman, 417 F. Supp. 906 (1976) Removal of TB patients from general population as discovered and testing all other inmates in the unit for the disease was sufficient to satisfy the courts that prison conditions did not constitute cruel and unusual punishment.

f. Recordkeeping and Organization

Newman v. Alabama, 503 F.2d 1320, 1331, (5th Cir. 1974) cert. den. 421 U.S. 948 (1975) Disorganized lines of therapeutic responsibility resulting in treatment prescribed by doctors not being administered by medical subordinates, the ill-conceived system for referrals to the prison hospital, and "the maladroitly operated 'emergency' referral system also present grave constitutional problems."

Rodriguez v. Jimenez, 409 F. Supp. 582, 597 (1976) aff'd 551 F.2d 877 (5th Cir. 1977) "Medical records shall be established and maintained for every inmate showing at least the date of each examination or treatment, the medical findings and the medication or treatment administered."

Williams v. Edwards, 547 F.2d 1206 (5th Cir. 1977) Conditions were held unconstitutional. The climate laboratory had no written policy concerning testing procedures, safety procedures or equipment quality control. The pharmacy's control of medication and needles and syringes was inadequate; no records of the dispensing of drugs or of adverse drug reactions were kept. No reports, records or statistical information was maintained, and the lab's equipment was not adequately calibrated.

g. Preventive Medical Procedures

Alberti v. Sheriff of Harris County, 406 F. Supp. 649 (1975) Incoming inmates must be screened for communicable diseases.

Rogriguez v. Jimenez, 409 F. Supp. 582, 597 (1976) Aff'd 551 F.2d 877 (5th Cir. 1977) Every individual confined to jail should be given a physical examination within 24 hours of admission.

Newman v. Alabama, 503 F.2d 1320 (5th Cir. 1974) cert. den. 421 U.S. 948 (1975) Physical exams are required once every two years.

Collins v. Schoonfield, 344 F. Supp. 257 (1972) Although expert medical witnesses indicated that intake physicals are advisable, court could not say that the lack of same amounted to cruel and unusual punishment.

Laaman v. Helgemoe, 437 F. Supp. 269 (D.N.H. 1977) The systematic absence of complete routine physical examinations, blood tests, syphilis tests, and other preventive medical measures endangers the entire prison community. The sick call procedure used is inadequate because it allows decisions concerning access to health care to be made by nonmedical personnel. The court ordered premedical examinations and medical history by a physician upon commitment; annual examination; a sick call procedure under which the need for care is determined by a member of the medical staff; an intercom system in the infirmary; and regular inspection of the medical facility by the State Department of Health.

3. Mental health care

Bowring v. Godwin, 551 F.2d 44 (4th Cir. 1977) The inmate "is entitled to psychological or psychiatric treatment if a physician or other health care provider, exercising ordinary skill and care at the time of observation, concludes with reasonable medical certainty: (1) that the prisoner's symptoms evidence a serious disease or injury; (2) that such disease or injury is curable or may be substantially alleviated; and (3) that the potential for harm to the prisoner by reason of delay or the denial of care would be substantial."

Newman v. Alabama, 503 F.2d 1320, 1331 (5th Cir. 1974) cert. den. 421 U.S. 948 (1975) Mental Illness and mental retardation are the most prevalent medical problems (10% of the intreatment). There are no psychiatrists; social workers or counselors on the staff. For 2400 inmates, one part-time clinical psychologist is employed. The huge majority of mentally disturbed prisoners receive no treatment. Such care is constitutionally inadequate.

Williams v. Edwards, 547 F.2d 1206 (5th Cir. 1977) The unconstitutionally inadequate medical care system lacked a psychiatric unit although an estimated 40% of the inmates would benefit from treatment. Inmates needing treatment were separately confined, but under the supervision of correctional officers who have no medical training.

Pugh v. Locke, 406 F. Supp. 318 (M.D. Ala. 1976) aff'd 559 F.2d 283 (5th Cir., 1970), cert. den. 98 S. Ct. 3144 (1978) Nothing has been done to alleviate the situation found in *Newman v. Alabama*, 503 F.2d 1320 (5th Cir. 1974) Nor are mentally retarded inmates placed in an appropriate environment. Defendants were ordered to identify inmates requiring mental health care and to make arrangements for provision of such care, including arrangement for the transfer of inmates whose psychological disturbance of mental retardation requires care in facilities specifically designed for such persons.

Finney v. Hutto, 410 F. Supp. 251 (E.D. Ark. 1976) aff'd 437 U.S. 678 (1978) Until very recently there has been no systematic mental health program for inmates. The court approved establishment of a transactional analysis type group therapy program but said that it could not take the place of regular psychiatrists or psychologists engaged in diagnosing and treating individual inmates by conventional methods of individual psychotherapy. The court ordered the hiring on a full-time basis of one or more psychiatrists or psychologists for the purposes indicated, with provision of adequate facilities for their work.

Jackson v. Peele, 22 Cr. L. 2445 (D. D.C. 1978) Prisoner-patients are entitled to the benefits of confinement in the least restrictive alternative, thus a mental hospital may not routinely impose more restrictive conditions of confinement on prisoner-patients than it does on those patients who were civilly committed.

Johnson v. Levine, 450 F. Supp. 648 (D. Md. 1978) aff'd 588 F.2d 1378 (4th Cir. 1978) The court ordered the closing of special confinement unit for inmates with psychological problems because conditions in the unit in their totality did not meet constitutional standards.

Nelson v. Collins, 455 F. Supp. 727 (D. Md. 1978) Prisoners placed in isolated confinement because of aberrant behavior resulting from mental illness are entitled to prompt and adequate psychiatric assistance. Medical review of the placement decision must follow promptly, and to the extent that appropriate medical care cannot be promptly rendered at the institution, the state has the obligation to provide such care through other facilities.

Laaman v. Helgemoe, 437 F. Supp. 269 (D. N.H. 1977) Prison inmates are entitled to reasonable psychiatric and/or psychological treatment when medically necessary. The inmates here are being denied their right to medically necessary mental health care because the number of personnel is insufficient to treat known mental health care needs or to permit diagnosis of the needs of incoming inmates. The court ordered defendants to determine through testing and interviews the actual mental health care needs of the prison population, to hire a psychiatrist or Ph.D. psychologist to head the mental health care unit, and to establish ongoing procedures to identify prisoners in need of treatment.

Battle v. Anderson, 376 F. Supp. 402 (E.D. Okla. 1974) Although approximately one half of the average in-patient population is hospitalized for psychiatric reasons, there is no professional psychiatric staff available to provide treatment on a regular basis, 376 F. Supp. at 415. Plans for providing constitutionally adequate care must include designation of a staff member responsible for insuring that adequate in-patient psychiatric care is provided.

Palmigiano v. Garrahy, 443 F. Supp. 956 (D. R.I. 1977) Psychiatric and psychological evaluations and treatment are inadequate to meet the needs of the inmate population. No clinical psychologist or psychiatrist is employed. Mental health facilities do not meet standards promulgated by the Federal Bureau of Prisons and the American Correctional Association. The court ordered that information on each inmate concerning any special needs arising from psychological disturbance or mental retardation be obtained in the classification process and required that defendants hire an adequate number of mental health professionals to diagnose, treat and care for prisoners with mental health problems. Establishment of a program for treatment of drug abuse under the direction of a physician was ordered.

Trigg v. Blanton, No. A-6047 (Davidson Co. Tenn., Chancery Court, August 23, 1978) Adequate psychological, psychiatric and counseling services are not provided to inmates in need of such care. The court ordered defendants to provide adequate care, treatment and counseling for inmates who have mental health problems or who are mentally retarded. Confinement of prisoners with psychological problems in cell used for disciplinary segregation was prohibited.

E. Physical conditions—Living areas

1. Clothing/Bedding/Laundry

Pugh v. Locke, 406 F. Supp. 318 (M.D. Ala. 1976) aff'd 559 F.2d 283 (5th Cir. 1977), cert. den. 98 S. Ct. 3144 (1978) Inmates are entitled to clean linen and towels weekly, and a bed off the floor.

Mitchell v. Untreiner, 421 F. Supp. 886 (N.D. Fla. 1976) Inmates must be given clean blankets, sheets, pillows, pillowcases, towels, and washcloths, within 8 hours of incarceration. Inmates should have available a daily change of clothes.

Campbell v. McGruder, 416 F. Supp. 100 (D. D.C. 1975) Jail officials are to provide clean clothing (including clean underwear), clean linen and clean towels to all residents at least once a week.

Hamilton v. Landrieu, 351 F. Supp. 549 (E.D. La. 1972) Uniforms will be laundered twice weekly and linen weekly.

Rutherford v. Pitchess, 457 F. Supp. 104 (D.C. Cal. 1978) Where "overflow" prisoners were required to sleep on mattresses inside cells or on walkways in front of cells, the court ordered that the inmates be provided with beds.

2. Sanitation

Williams v. Edwards, 547 F.2d 1206 (5th Cir. 1977) Lack of proper sanitation is a constitutional violation.

Palmigiano v. Garrahy, 443 F. Supp. 956 (D. R.I. 1977) Prison must employ a qualified sanitation or environmental health officer. The court ordered compliance with the minimum standards of the U.S. Public Health Service, the American Public Health Association, and the Rhode Island Department of Health, including regular removal of trash from common areas, a regular program of insect and rodent control, access for each prisoner to household cleaning implements and supplies, sanitary food storage and preparation and employment of a qualified sanitation or environmental health officer.

Holt v. Sarver, 442 F.2d 304 (1971) Jail required to have a supervised daily program of cleaning of cells, including mopping and scrubbing.

Hamilton v. Schiro, 338 F. Supp. 1016 (E.D. La. 1970) Mattresses must be replaced on an annual basis.

Ahrens v. Thomas, 434 F. Supp. 873 (W.D. Mo. 1977) modified 570 F.2d 286 (8th Cir. 1978) Jail must be cleaned on a daily basis and necessary cleaning supplies must be furnished the inmates. Permitting infestation of insects is an Eighth Amendment violation. An adequate insect control program is ordered implemented.

Pugh v. Locke, 406 F. Supp. 318 (M.D. Ala. 1976) aff'd 559 F.2d 283 (5th Cir. 1977) cert. den. 98 S. Ct. 3144 (1978)

The living conditions constitute cruel and unusual punishment. "Specifically, lack of sanitation throughout the institutions—in living areas, infirmaries, and food service—presents an imminent danger to the health of each and every inmate." The court ordered that each inmate shall have access to household cleaning supplies, that sanitary conditions meet minimum public health standards, and that defendants be responsible for implementing a regular and effective program of insect and rodent control. Window and doors were required to be properly screened and otherwise properly maintained.

Laaman v. Helgemoe, 437 F. Supp. 269 (D. N.H. 1977) The court ordered defendants to comply with New Hampshire Department of Public Health standards and to arrange regular inspections by the Department, not less than one every 6 months. The court required training of kitchen employees and medical examination of such employees prior to assignment. Inmates must be provided with appropriate supplies to keep their cells.

Nelson v. Collins, 455 F. Supp. 727 (D. Md. 1978) Insect and rodent infestation cannot be entirely eliminated but the institution has taken adequate precautions (periodic treatment) which have satisfactorily lessened the incidence of such infestation.

Burbank v. Thompson, No. 76 C. 4471 (N.D Ill., May, 1978) (Stateville Correctional Center, Joliet, Illinois.) Defendants agreed to provide inmates with materials necessary to clean cells and toilets therein, to collect accumulated paper and other refuse in the cells, to institute a regular program of vermin extermination conducted by a professional extermination service, and to exterminate roaches and other vermin as often as necessary.

Trigg v. Blanton, No. A-6047 (Davidson Co. Tenn. Chancery Court, August 23, 1978) The court found unsanitary conditions which fall far below minimum public health standards. The court ordered that each building be brought into compliance with the minimum standards of the U.S. Public Health Service and the American Public Health Association, as well as local health ordinances and regulations.

Burrasiano v. Levi, 452 F. Supp. 1066 (D. Md. 1978) A prisoner's complaints about the lack of cleanliness and leaking ceilings in the prison dining facilities presents no cognizable claim for damages.

Evans v. Fogg, 466 F. Supp. 949 (D.C. N.Y. 1979) A State prisoner's confinement in a refuse-strewn cell for 24 hours and in a flooded cell for 2 days did not amount to a deprivation of his rights. (This condition was as a result of the prisoner's own acts).

3. Personal hygiene

Preston v. Thompson, 589 F.2d 300 (7th Cir. 1978) The court held that the District Court did not err when it ordered a state correctional institution to provide two showers per week and a daily hour of recreation in a cell block that had been in deadlock following a riot situation.

Rodriguez v. Jimenez, 409 F. Supp. 582 (E.D. P.R. 1976) aff'd 551 F.2d 877 (5th Cir. 1977) Inmates must be furnished with toothbrush, soap, towel and comb.

Ahrens v. Thomas, 434 F. Supp. 873 (W.D. Mo. 1977) modified 570 F.2d 286 (8th Cir. 1978) Each inmate must receive soap, toothpaste, shaving equipment, and a mirror.

Mitchell v. Untreiner, 421 F. Supp. 885 (N.D. Fla. 1976) Indigent inmates must be furnished soap, toothbrush, toothpaste, and comb and must be given access to shaving gear.

Pugh v. Locke, 406 F. Supp. 318 (M.D. Ala. 1976) aff'd 559 F.2d 283 (5th Cir. 1977), cert. den. 98 S. Ct. 3144 (1978) Maintaining personal hygiene is an "insurmountable problem" where shower floors are unclean, toilets frequently do not work, there is no hot running water for substantial periods of time, mattresses are filthy, household cleaning supplies are rarely available, and the state does not supply razors, shaving cream, combs, shampoo, toothpaste or toothbrushes. The court ordered defendants to provide the above items (as well as soap and razor blades which were already furnished), clean bed linens and towels each week, adequate clean clothing and a clean mattress and blankets as needed (with a bed off the floor).

Laaman v. Helgemoe, 437 F. Supp. 269 (D. N.H. 1977) The court ordered that inmates in isolation be allowed to bathe daily and be provided with a toilet that can be flushed from inside, hot and cold running water, clean linen and blanket, a bed and mattresses off the floor, and the same toilet articles as the general population.

Anderson v. Redman, 429 F. Supp. 1105 (D. Del. 1977) Among the conditions in the receiving unit cells found to violate the inmates' rights were filthy mattresses which were never sterilized.

Battle v. Anderson, 376 F. Supp. 402 (E.D. Okla. 1974) The court condemned isolation conditions making personal hygiene impossible because of lack of necessary materials and/or inability to properly dispose of body waste and enjoined use of these cells.

Palmiginao v. Garrahy, 443 F. Supp. 956 (D. R.I. 1977) Only cold water is available in cells, although minimum health standards require hot water. Every cell must have a working toilet and hot and cold running water. Every inmate shall be provided with a clean mattress, clean bed linens, towels, and soap.

Burbank v. Thompson, No. 76 C. 4471 (N.D., Ill. May, 1978) Defendants agreed to provide each inmate with a bed off of the floor, clean mattresses, linens, and blankets, cleaning materials, toothbrush, toothpaste, soap, towel, toilet paper, and comb, two complete uniforms, an opportunity to shave every other day and to shower at least once a week. Each inmate's clothes, bed linens, and towel must be laundered at least once a week, and each inmate's blanket once every three months, or more often if necessary.

Sc 'lato v. Department of Corrections, 438 F. Supp. 1206 (W.D. Va. 1977) Failure to provide inmates with a toothbrush and a razor did not violate the Eighth Amendment.

Burks v. Walsh, No. 77-4008 CV-C (W.D. Mo. Nov. 1978) The daily showers and weekly laundry services which are available to all inmates are adequate.

4. Plumbing

Palmigiano v. Garrahy, 443 F. Supp. 956 (D. R.I. 1977) Lack of hot water in cells is condemned.

Pugh v. Locke, 406 F. Supp. 318 (M.D. Ala. 1976) aff'd 559 F.2d 283 (5th Cir. 1977) cert. den. 98 S. Ct. 3144 (1978); see also *Palmigiano v. Garrahy*, 443 F. Supp, 956 (D. R.I. 1977) Court ordered one toilet per every 15 inmates, one shower per every 20 inmates, one urinal or foot of urinal trough per every 15 inmates, and one lavatory per every 10 inmates. Isolation cells must be equipped with a toilet that flushes from inside and a sink with hot and cold running water.

Trig v. Blanton, No. A-6047 (Davidson Co. Tenn. Chancery Court, Aug. 1978) Plumbing at several facilities was found substandard. Compliance with public health standards was ordered.

Anderson v. Redman, 429 F. Supp. 1105 (D. Del. 1977) One effect of overcrowding is to threaten the inmates' physical health: for example, because of the overburdening of toilet facilities and of the sewage treatment plant.

Burbank v. Thompson, No. 76 C. 4471 (N.D. Ill., May 1978) Defendants agreed to place inmates only in cells with properly functioning sinks and toilets, and to repair malfunctioning plumbing as quickly as possible. "Necessary to the accomplishment of the foregoing is a capital improvement program designed to replace all plumbing fixtures currently installed in the cells . . . "

Battle v. Anderson, 447 F. Supp. 516 (E.D. Okla. 1977), aff'd 564 F.2d 388 (10th Cir. 1977) Water and sewage facilities must meet the requirements of state and federal law. Every cell must have a washbowl with hot and cold running water and a toilet.

Burrasiano v. Levi, 452 F. Supp. 1066 (D. Md. 1978) A prisoner's complaints about the lack of cleanliness and leaking ceilings in the prison dining facilities presents no cognizable claim for damages.

Frazier v. Wilson, 450 F. Supp. 11 (E.D. Tenn. 1978) The prison superintendent's decision to cut off the water supply to the petitioner's cell for 6 hours was justified by his threats to plug up the commode and flood the jail.

5. Lighting/heating/ventilation

Palmigiano v. Garrahy, 443 F. Supp. 956 (D. R.I. 1977) Lighting found to be inadequate for reading safety. Minimum standard required 30 foot-candles. Court noted that inadequate lighting increases tension and fatigue among prisoners and guards.
Court found that the present heating system did not provide minimally adequate heating. Court stated that the minimum would be 65 degrees.

Rhem v. Malcolm, 371 F. Supp. 594 (S.D. N.Y. 1974) aff'd 507 F.2d 333 (Manhattan House of Detention) Court found that extremes of noise (at least that of New York subway system) and heat and inadequacy of ventilation and inability to see the outside world unnecessarily burdened the health of prisoners.

Gates v. Collier, 349 F. Supp. 881 (1972) aff'd 501 F.2d 1291 (5th Cir. 1974) Heating facilities are inadequate to heat the inhabited areas. Broken windows are stuffed with rags to keep out the cold, wind and rain.

Pugh v. Locke 406 F. Supp. 318 (M.D. Ala. 1976) aff'd 559 F.2d 283 (5th Cir. 1977) cert. den. 98 S. Ct. 3144 (1978) Inmate living quarters are inadequately heated and ventilated. Insufficient lighting results in eye strain and fatigue. The court required: all institutions to be adequately heated, lighted and ventilated.

Battle v. Anderson, 447 F. Supp. 516 (E.D. Okla. 1977) The Constitution requires an environment with adequate ventilation and lighting. The court cited the American Public Health Association standards: 60 cubic feet of air per man per minute and 30 foot-candles; minimum cell contents include a surface for writing.

Laaman v. Helgemoe, 437 F. Supp. 269 (D. N.H. 1977) Inadequate heating, lighting and ventilation found in various housing units. Use of certain cells with no lighting or ventilation and extreme temperature variations prohibited.

6. Standards and inspections

Palmigiano v. Garrahy, 443 F. Supp. 956 (D. R.I. 1977) Prison officials must comply with the minimum standards of the U.S. Public Health Service and the Rhode Island Department of Health as they relate to food service, sanitation, lighting, plumbing, and rodent control.

Alberti v. Sheriff of Harris County, Texas, 406 F. Supp. 649 (1975) Jail facilities must be inspected monthly by county health inspector.

Ahrens v. Thomas, 434 F. Supp. 873 (W.D. Mo. 1977) modified 570 F.2d 286 (8th Cir. 1978) Health officials are to inspect jail regularly.

Laaman v. Helgemoe, 437 F. Supp. 469 (D. N.H. 1977) (New Hampshire State Prison) Entire facility to be maintained in accordance with the standards of the New Hampshire Department of Public Health and officials should arrange for inspection of entire facility, not less than once every six months.

Williams v. McKeithen, Docket No. 71-98 (M.D. La. 1975) (Unreported); *Williams v. Edwards*, 547 F.2d 1206 (5th Cir. 1977) The state shall submit a plan for the regular and periodic inspection of all facilities at Louisiana State Penitentiary by the State Fire Marshal and the State Department of Health.

Gates v. Collier, 349 F. Supp. 881 (1972) aff'd 501 F.2d 1291 (5th Cir. 1974) Electrical wiring in most units is in a bad state of repair and adequate fire fighting equipment is lacking.

7. Fire safety

Williams v. Edwards, 547 F.2d 1206 (5th Cir. 1975) Among the totality of circumstances which violate the 8th Amendment were fire and safety hazards, which present an "immediate threat to the life and safety" of both inmates and staff.

Pugh v. Locke, 406 F. Supp. 318 (M.D. Ala. 1976) aff'd 559 F.2d 283 (5th Cir. 1977) cert. den. 98 S. Ct. 3144 (1978) The electrical systems are totally inadequate, and exposed wiring poses a constant danger to the inmates.

Laaman v. Helgemoe, 437 F. Supp. 269 (D.N.H. 1977) Inviolate conditions involved a partially combustible physical plant, inadequate fire protections, lack of an emergency evacuation plan, lack of a master locking system, and possession by inmates of lighter fluid. Other deficiencies cited were inadequate emergency exits, placement of extinguishers in locked areas, storage of flammable materials in areas without smoke detectors, and lack of staff training in emergency evacuation procedures. The court ordered the defendants to develop a plan to correct this situation.

Palmigiano v. Garrahy, 443 F. Supp. 956 (D.R.I. 1977) Leaking pipes in areas housing electrical wiring present a serious rash of electrical fires. Other fire hazards include polyurethane mattresses, inmates' use of paper insulation against cold drafts, overused and inadequately ventilated washers and dryers and exposed electrical wiring. Inmates are housed in upper tiers with only a single means of egress, in violation of all acceptable fire safety requirements. The court ordered that each inmate be provided with a mattress meeting federal fire safety standards. There was evidence of dangerous conditions in industrial shops, and the court found that no safety signs were posted and no safety instructions were given inmates working in the shops.

Battle v. Anderson, 447 F. Supp. 516 (E.D. Okla. 1974) and 457 F. Supp. 719 (E.D. Okla. 1978) Serious fire hazards were found with no plan or possibility of putting out a major fire: wooden buildings, no fire hydrants, water lines too small to supply the amount of water needed in case of a fire. The court ordered the remaining wooden dormitories closed, the electrical systems to be in compliance with applicable state regulations, and the closure of certain cellhouses in about three years or at earlier dates if replacement funds had not been appropriated and the ground breaking for construction had not occurred by those dates.

Trigg v. Blanton, No. A-6074 (Davidson Co. Tenn. Chancery Court, Aug. 1978) Among the most serious of the environmental hazards which violate the inmates' rights are those involving fire safety: absence of fire evacuation procedures in some facilities; lack of staff awareness of such procedures throughout the system; cells which must be unlocked individually in emergencies; use of polyurethane mattresses. Defendants ordered to comply with building and safety ordinances and regulations.

Nelson v. Collins, 455 F. Supp. 727 (D. Md. 1978) Plans for fire and other emergencies have been developed. The possible failure to fully inform low-level personnel of these plans should be rectified. The danger posed by polyurethane mattresses has been recognized and they are being replaced.

F. Food services

1. Menus, food preparation and diet

Laaman v. Helgemoe, 437 F. Supp. 269 (D. N.H. 1977) Prison must employ a dietician to supervise the preparation of menu and meals. Also, food service personnel must be medically examined prior to such job assignment.

Mitchell v. Untreiner, 421 F. Supp. 886 (N.D. Fla. 1976) A trained dietician must regularly review food menus, preparation and service.

Pugh v. Locke, 406 F. Supp. 318 (M.D. Ala. 1976) aff'd 559 F.2d 283 (5th 1977), cert. den. 98 S. Ct. 3144 (1978) Three wholesome and nutritionally adequate and properly prepared meals must be served prisoners each day together with proper eating and drinking utensils. This must be done under the supervision of a food service manager at each institution with at least a B.A. in dietetics or the equivalent. Also, required one registered dietician.

Smith v. Sullivan, 553 F.2d 373, 379 (5th Cir. 1977) (El Paso County Jail) Court ordered diet of "at least one fresh green vegetable, one fresh yellow vegetable and one serving of meat or protein-provided meat substitute" was too restrictive. "A well-balanced meal containing sufficient nutritional value to preserve health, is all that is required."

Pugh v. Locke, 406 F. Supp. 318 (M.D. Ala. 1976) aff'd 559 F.2d 283 (5th 1977) cert. den. 98 S. Ct. 3144 (1978) Each inmate who requires a special diet for reasons of health or religion shall be provided a diet to meet his individual needs.

Landman v. Royster, 333 F. Supp. 621 (E.D. Va. 1971) A bread and water diet is inconsistent with minimum standards of respect for human dignity and violates the 8th Amendment.

Barnes v. Virgin Islands, 415 F. Supp. 1218 (D.V.I. 1976) The institution is ordered to provide an adequate diet meeting all known medical and religious needs.

2. Standards and inspections

Holt v. Sarver, 442 F.2d 304 (1971) Kitchen equipment, food storage and sanitation should meet minimum standards for restaurants. Personnel working in kitchen should meet restaurant help requirements.

Laaman v. Helgemoe, 437 F. Supp. 269 (D.N.H. 1977) Kitchen staff must meet applicable public health standards.

Mitchell v. Untreiner, 421 F. Supp. 886 (N.D. Fla. 1976) No person can handle food unless they have been medically screened.

Campbell v. McGruder, 416 F. Supp. 100 (D. D.C. 1975) modified 580 F.2d 521 (D.C. Cir. 1978) Medical examinations must be provided for all food handlers, inmate and civilian, at least once every 30 days and more often if medically required.

Williams v. McKeithen, 547 F.2d 1206 (5th Cir. 1977) Regular inspection of kitchen and food service by public health authorities required.

Mitchell v. Untreiner, 421 F. Supp. 886 (N.D Fla. 1976) Monthly inspections by county health department required.

G. Inmate safety

1. General

Gates v. Collier, 349 F. Supp. 831 (1972) aff'd 501 F.2d 1291 (5th Cir. 1974) Failing to provide adequate protection to inmates against physical assaults, abuses, indignities and cruelties of other inmates constituted cruel and unusual punishment.

2. Classification

Jones v. Diamond, 594 F.2d 997 (5th Cir. 1979) Although there is no constitutional right to classification, when failure to control or separate dangerous prisoners causes injury to other inmates, the federal courts may order the development of a classification system.

Anderson v. Redman, 429 F. Supp. 1105 (D. Del. 1977) The classification program has broken down and is in violation of state law. Overcrowding has resulted in delays and a decline in the quality of the reports relied on. The court based its decision on state law without implying it found no federal constitutional violation. Defendants were ordered to implement the statutory classification system even though the result will be a reduction in population capacity.

Campbell v. McGruder, 416 F. Supp. 100 (D. D.C. 1975) modified 580 F.2d 521 (D.C. Cir. 1978) Officials must establish classification system which will make it possible to determine which inmates require maximum security confinement.

Gates v. Collier, 349 F. Supp, 881 (1972) A racially nondiscriminatory classification system conforming generally to/ with classification standards of the American Correctional Association must be established.

Gates v. Collier, 349 F. Supp, 881 (N.D. Miss. 1972), aff'd, 501 F.2d 1291 (5th Cir. 1974) The court ordered establishment of a program for the classification and assignment of all inmates, conforming generally to American Correctional Association standards. The Court of Appeals affirmed, noting the state's duty to provide protection against assaults and its failure to classify inmates according to the severity of their offense.

Fitzgerald v. Procunier, 393 F. Supp. 335 (N.D. Cal. 1975) Written record of classification decisions with full explanations of reasons therefore is required.

Cardaropoli v. Norton, 523 F.2d 990 (2d. Cir. 1975) Classifying as "special offender" is grievous loss requiring due process consisting of: (1) 10 day notice including factual basis for decision; (2) reasonable opportunity to respond; (3) written decision and right to employ counsel in complex cases.

Jordan v. Keve, 387 F. Supp. 765 (D. Del. 1974) Classification decisions to be made by an objective body. Some due process required.

Laaman v. Helgemoe, 437 F. Supp. 469 (D. N.H. 1977) The classification system is inadequate as written, and its procedures are not carried out in practice. Little data is actually used (incomplete records, cursory interviews). There are no procedures to ensure the system's reliability. Neither custody nor treatment status has any effect on housing, job or program assignments. Adequate classification is needed for officials to fulfill their duty to diagnose and treat inmates' medical and psychological needs and to protect them from assaults. The court ordered establishment of a classification system similar to that ordered in *Pugh v. Locke, supra*, with, in addition, six months reviews of classification status, rational objective criteria for program assignments, hiring of an outside expert to assist in its planning and implementation.

Palmigiano v. Garrahy, 443 F. Supp. 956 (D. R.I. 1977) Classification is essential. However, no written procedures exist; psychological examinations are rarely provided; no plan is developed for each inmate and no intelligent overall plan is possible; inmates are overclassified because of lack of space, and victims and predators are not separated, except by the crude method of voluntary protective custody. Defendants were ordered to reclassify all inmates, using personal interviews and other pertinent information and to assign each inmate to suitable housing and programs, with annual review of his classification. Classification of inmates is essential to the operation of an orderly and safe prison; it is a prerequisite for the rational allocation of whatever programs opportunities exist within the facility.

Pugh v. Locke, 406 F. Supp. 318 (M.D. Ala. 1976) aff'd 559 F.2d 283 (5th 1977) cert. den. 98 S. Ct. 3144 (1978) The classification system must be able to ascertain the physical and mental health requirements of each inmate; aged, infirm and psychologically disturbed or mentally retarded inmates who require transfer to a more appropriate facility or require special treatment; those for whom transfer to a pre-release, work release or other community based program would be appropriate. The classification system fails to segregate the violent from their victims and to separate the physically or mentally ill from the general population. The court ordered implementation of a classification system which gives due consideration to the inmate's age, offense, prior record, health care requirements and rehabilitation needs, provides methods of identifying the specially disabled, and includes an annual review of each inmate's classification. Only minimum custody inmates may be assigned to dormitories. Classification of all prisoners must be reviewed annually.

Burbank v. Thompson, No. 76 C. 4471 (N.D. Ill., May 1978) Reclassification of all inmates was ordered, with consideration of the factors specified in *Pugh v. Locke*, supra, and annual reviews of each inmate's classification.

Trigg v. Blanton, No. A-6047 (Davidson County, Tenn. Aug. 1978) The classification process does not comply with statutory requirements. It is understaffed, and the staff lacks sufficient training and competency. The process fails to identify important individual needs for medical and psychological treatment. There are no review procedures. Housing assignments are made on the basis of available space, and predators and victims are not separated. The court ordered defendants to reclassify all prisoners in a process "designed to provide meaningful choices pertaining to appropriate facilities, treatment, programs, security and treatment . . . "

Trigg v. Blanton, No. A-6047 (Davidson County, Tenn. Aug 1978) (Tennessee Prison System) The classification system must enable the Department of Correction to separate the potentially violent from the weaker prisoners and to identify the medical, educational and treatment needs of the prisoners entering the system.

Brooks v. Wainwright, 439 F. Supp. 1335 (M.D. Fla. 1977) A prison inmate is not deprived of due process by virtue of changes in his custodial classification allegedly made because he advocated the formation of a prisoners' union.

Coppola v. United States Attorney General, 455 F. Supp. 15 (D.C. Conn. 1977) A prisoner successfully challenged his classification as a Central Monitoring Case because he was not given proper notice or allowed to know or contest the reasons behind his classification status at the time of the decision.

Dolph v. Crisp, 446 F. Supp. 1179 (E.D. Okla. 1978) Although the plaintiff's freedom of movement was more restricted by his reclassifiction to "medium security" from "trusty" status, the reclassification did not constitute a "grievous loss" sufficient enough to invoke due process protections.

Mickens v. Winston, 462 F. Supp. 910 (D.C. Va. 1978) Racial segregation is unconstitutional within prisons, save for the necessities of prison security and discipline.

Minns v. Shapp, 457 F. Supp. 247 (D.C. Pa. 1978) State prison officials should assess the security risk of each inmate on objective (measurable) factors.

Polizzi v. Sigler, 564 F.2d 792 (8th Cir. 1977) The classification of prisoners as "special offenders" upon their entrance into the federal prison system constitutes an infringement upon their liberty interests, thereby requiring some form of procedural protection.

Williams v. Stacy, 468 F. Supp. 1206 (D.C. Va. 1979) A prisoner contested his hearing before the institution classification committee after he circulated a petition which referred to prison guards as "Nazis" and "maniacs" and warned that the situation could develop into "another Attica." The court held that the potential to create serious security problems justified the action of holding the hearing and it did not abridge the prisoner's rights.

Dunn v. Jenkins, 377 N.E.2d 868 (Ind. 1978) The classification of inmates into groups according to behavior which occurred prior to the passage of a new good-time credit law was not violative of the constitutional prescriptions against ex post facto laws.

Ramirez v. Ward, 408 N.Y.S.2d 833 (N.Y.A.D. 1978) The Department of Corrections has the power to determine the proper correctional facility for the inmate. A classification of an inmate as a Central Monitoring Case does not bar the inmate from being eligible for temporary release programs or transfer to a medium or low security institution. The prisoner does have a right to respond and object to the classification, and appeal the decision.

3. Staffing

Forts v. Ward, 22 Cr. L. 2338 (2nd Cir. 1977) An evidentiary hearing should have proceeded district court's injunction prohibiting New York prison officials from assigning male correctional officers to certain areas within a women's prison.

Williams v. Edwards, 547 F.2d 1206 (5th Cir. 1977) "The number of guards necessary to assure a constitutional level of inmate safety must bear some reasonable relationship to the total number of inmates." The evidence for the proper staff-inmate ratio may be provided by examining the kinds of facilities, their capabilities and purposes, and the number of guards required for security in each, or by reference to ratios at other institutions where the level of prison violence is acceptable or by learned studies. The court upheld the order requiring the presence of two guards in open dormitories at all times.

Smith v. Sullivan, 553 F.2d 373 (5th Cir. 1977) Jail guard must visit each inmate-occupied area once an hour and one guard must be present on each floor at all times.

Williams v. McKeithen, 547 F.2d 1206 (5th Cir. 1977) Court ordered a minimum of 950 correctional officers for prison of 3,900. Two guards are required in dorms at all times as a means of controlling homosexuality and weapons possession by inmates.

Ahrens v. Thomas, 434 F. Supp. 872 (W.D. Mo. 1977) modified 570 F.2d 286 (8th 1978) There must be adequate staff to protect against assaults of all types by inmates.

Alberti v. Sheriff of Harris Co., 406 F. Supp. 649 (1975) One guard for every 30 inmates is inadequate. Court suggested that one for every 20 inmates might be adequate.

Holt v. Sarver, 442 F.2d 304 (1971) At least two guards must be on duty on each floor—at least one of whom must at all times be on patrol of the cellblocks.

Gates v. Collier, 349 F. Supp. 881 (1972) aff'd 501 F.2d 1291 (5th Cir. 1974) Trustee system which allowed inmates to exercise unchecked authority over other inmates was patently unconstitutional.

Hamilton v. Landrieu, 351 F. Supp. 549 (E.D. La. 1972) At least one guard must patrol each floor in the immediate area of every person detained on a 24-hour basis.

Hamilton v. Love, 328 F. Supp. 1182 (E.D. Ark. 1971) (Little Rock Jail) Jail personnel must work no more than an eight-hour shift.

Rhem v. Malcolm, 507 F.2d 333 (1974) Where deprivation of rights to be free of mistreatment by custodians flows from inadequacy of staffing the shortage must be remedied; the alternative is the release of those held in custody.

Turk v. Nevada State Prison, 575 P.2d 599 (Nev. 1978) The failure of a correctional officer to search work-release prisoners, upon their re-entrance to prison, coupled with additional deviations from duty, was sufficient to justifiably compel his termination from employment.

Chapman v. Rhodes, 434 F. Supp. 1007 (S.D. Ohio 1977) An inmate-to-guard ratio of seven-to-one is acceptable.

4. Shakedowns

Williams v. McKeithen, 547 F.2d 1206 (5th Cir. 1977) Court required shakedowns of all inmates and all living and working areas at least daily.

Hamilton v. Landrieu, 351 F. Supp. 549 (E.D. La. 1972) The quality and quantity of shakedowns/searches of inmates and their quarters and examination of the physical plant both interior and exterior must be increased.

Pugh v. Locke, 406 F. Supp. 318 (M.D. Ala. 1976) aff'd 559 F.2d 283 (5th 1977), cert. den. 98 S. Ct. 3144 (1978) Frequent shakedowns and frisks of inmates and enforcement of prison rules designed to reduce violence required to end "jungle atmosphere."

5. Communications

Williams v. McKeithen, 547 F.2d 1206 (5th Cir. 1977) Adequate communications equipment for each correctional officer so that they have an immediate way to communicate with and seek assistance from other correctional officers in the event of an emergency was ordered.

O'Bryan v. County of Saginaw, Mich., 437 F. Supp. 582 (1977) An effective method for inmates to summon guards was required to be devised and implemented.

People v. Estrada, 155 Cal. Rptr. 731 (Cal. App. 1979) Incarcerated persons have no reasonable expectation of privacy with respect to their conversations. Jailhouse monitoring is related to a prison objective of institutional security but is not limited to that.

6. Assaults by other Inmates

Gates v. Collier, 349 F. Supp. 881 (N.D. Miss. 1972) aff'd, 501 F.2d 1291 (5th Cir. 1974) Defendants have subjected inmates to cruel and unusual punishment by not providing adequate protection against assaults, through failure to classify them and segregate the violent from the nonviolent and by use without supervision of incompetent and untrained inmate "trusties" to guard other inmates. Defendants were ordered to adopt procedures designed to control and eliminate possession of weapons by inmates, to isolate violent prisoners, to relieve trusties of custodial duties and assign civilian guards to replace them, and to establish a classification system conforming generally to American Correctional Association standards.

Williams v. Edwards, 547 F.2d 1206 (5th Cir. 1977) The totality of conditions violated the Eighth Amendment. There were too few guards to protect inmates from one another through supervision or weapons confiscation. Easy inmate access to unsupervised machinery contributed to widespread possession of weapons.

"The number of guards necessary to assure a constitutional level of inmate safety must bear some reasonable relationship to the total number of inmates." The evidence for the proper staff-inmate ratio may be provided by examining the kinds of facilities, their capacities and purposes, and the number of guards required for security in each, or by reference to ratios at other institutions where the level of prison violence is acceptable or by learned studies. The court upheld the order requiring the presence of two guards in open dormitories at all times.

Finney v. Arkansas Board of Corrections, 505 F.2d 194 (8th Cir. 1974) aff'd 437 U.S. 678 (1978) The entire trusty system must be dismantled. On remand the district court found that the prison is not unconstitutionally unsafe. The state is not an insurer of the inmate's safety, but must use ordinary care to protect them, which it is doing here, the court found.

Doe v. Lally, 467 F. Supp. 1339 (D.C. Md. 1979) Since prison officials were undoubtedly aware of homosexual activities in prison and still allowed prisoners to move about within the institution freely, this bordered on gross neglect. Under these conditions, if a prisoner is raped, officials may be denied immunity from a victim's civil rights action.

People v. Fellman, 405 N.Y.S.2d 210 (N.Y. Sup. 1978) The possibility that homosexual defendants might be subjected to physical and sexual abuse in prison does not prohibit their incareration.

Holt v. Sarver, 300 F. Supp. 825 (E.D. Ark. 1969) and 309 F. Supp. 362 (E.D. Ark. 1970) aff'd 442 F.2d 304 (8th Cir. 1971) If inmates are confined in open barracks, the state has a constitutional duty to provide guards. The use of inmate "trusties" must be limited and under supervision and eventually phased out.

Reports that prisoners are frequently assaulted and raped and that no adequate means exist to protect inmates from assaults clearly confirm the district court's findings of Eighth Amendment violations.

Johnson v. Levine, 450 F. Supp. 648 (D. Md. 1978) aff'd 588 F.2d 1378 (4th 1978) An increase in the number of violent incidents was attributed by the court to overcrowding. Double celling increases the risk of sexual assaults, and its elimination will improve security.

Laaman v. Helgemoe, 437 F. Supp. 269 (D. N.H. 1977) The percentage of inmates in involuntary protective custody is three times greater than the average in other institutions and is indicative of uncontrolled violence. Classification procedures may be necessary to effectuate the right to a reasonably safe environment. The court ordered defendants to make reasonable efforts, including classification, housing and monitoring, to segregate prisoners who engage in violence.

Palmigiano v. Garrahy, 443 F. Supp. 956 (D. R.I. 1977) The unconstitutional level of violence results from lack of adequate classification, the facility's physical layout (blind, unguardable corners), an inadequate number of guards, the idleness of the inmates, and untreated drug addiction among the prisoners. Defendants were ordered to reclassify all prisoners, to assign each prisoner to housing and programs suitable to his security and other classification, to provide protective custody prisoners programs equivalent to those ordered to be provided other prisoners, and to establish programs for the treatment of drug abuse under the direction of a physician.

Pugh v. Locke, 406 F. Supp. 318 (M.D. Ala. 1976) aff'd 559 F.2d 283 (5th 1977) cert. den. 98 S. Ct. 3144 (1978) Robbery, rape, extortion, theft, and assault are everyday occurrences among the general inmate population so that some inmates prefer the inhuman conditions of prison isolation cells.

The court ordered defendants: to make reasonable efforts, including classification and monitoring, to segregate violent inmates; to assign only minimum custody inmates to dormitories; to establish regular procedures, including frequent shakedowns and frisks of inmates returning from outside, to reduce inmate weapon possession; to enforce regulations designed to prevent violence; to station guards inside living areas at all times, with the exception of isolation cells, where a guard must at all times have visual and voice contact with residents; to cease using prisoners to guard or exercise authority over other prisoners; and to keep accurate records of incidents of violence.

Nelson v. Collins, 455 F. Supp. 727 (D. Md. 1978) The incidence of assaults is greater as a result of double celling.

Burbank v. Thompson, No. 76 C. 4471 (N.D. Ill., May 1978) Reasonable security from physical attacks must be provided.

Schaal v. Rowe, 460 F. Supp. 155 (D.C. Ill. 1978) Prisoners are entitled to protection from assaults from other prisoners. Even if a prison official is negligent in preventing an act of violence of one inmate toward another, it is not necessarily a failure to protect inmate's rights. Instead, an inmate must show a definite failure to provide for security to that particular inmate. An isolated incident is not usually enough proof to succeed in this claim.

State v. Sparks, 255 S.E.2d 373 (N.C. 1979) A defendant in a first degree murder prosecution moved for assurance of protection from abuse and injury after he had been assaulted and stabbed by other prison inmates. Evidence showed that he was not subject to any official harassment and that officials took proper steps to protect his safety.

State v. Reese, 272 N.W.2d 863 (Iowa 1978) There is a defense of necessity for an escape from a prison. It is available if a prisoner is faced with specific threat of death, forcible sexual attack, or substantial bodily injury in the immediate future. It is a necessity that there was no time for complaint to the authorities or the courts or there exists a history of futile complaints. There must be no threat of force or violence toward prison personnel or other innocent persons in the escape. The escapee must immediately report to proper authorities when he has attained safety from the immediate threat.

Prison officials must take reasonable precautions in order to provide a safe confinement environment for prisoners. A prisoner should be safe from gang rapes and beatings, and from intentional placement in situations where an assault of one type or another is likely to occur.

Trigg v. Blanton, No. A,-6047 (Davidson Co., Tenn. Aug. 1978) The level of violence is excessive and results from an inadequate classification system with failure to separate various types of prisoners, widespread idleness resulting from the absence of adequate jobs and programs, overcrowded and poorly maintained buildings, an ineffective locking system, the layout of the physical structure which makes adequate surveillance and intervention impossible, inadequately trained guards, and use of multi-occupancy housing. The prevalence of violence is evidenced by the number of inmates in voluntary protective custody and the acknowledged failure of most inmate victims to report incidents of violence.

The court ordered that all dormitories, multiple occupancy cells and shower facilities used by more than one prisoner at a time be under continuous surveillance and that within a year only minimum security prisoners be housed in other than single occupancy cells.

7. Unreasonable force/Guard brutality

Gates v. Collier, 501 F.2d 1291 (5th Cir. 1974) Instances of physical brutality in the record include administering milk of magnesia as punishment, turning the fan on inmates while naked and wet, handcuffing inmates to the fence for long periods of time, and shooting at and around inmates.

Holt v. Hutto, 363 F. Supp. 194 (E.D. Ark. 1973), modified, 505 F.2d 194 (8th Cir. 1974) Force is properly used by prison personnel in self defense, in breaking up fights between inmates, in compelling obedience to lawful orders where milder measures fail, in protecting state property, and in preventing escapes and recapturing escapees. In general, the degree of force used has been in reasonable proportion to the violence displayed by the inmates involved, although there have been instances of use of unnecessary force on recaptured escapees who no longer presented any danger to their captors. Since all incidents involving use of force by guards do not result in disciplinary proceedings against the inmate, the court recommended that all such incidents be investigated immediately after their occurrence and that the investigation include the inmate's version of the event.

Battle v. Anderson, 376 F. Supp. 402 (E.D. Okla. 1974) Use of chemical mace and tear gas as a punitive measure rather than as a control device violates the Eighth Amendment. Such chemical agents may only be used to prevent escapes and riots and where there is actual and imminent threat of health or bodily harm; reasonable precautions to minimize injuries must be undertaken.

Fowler v. Vincent, 452 F. Supp. 449 (D.C.N.Y. 1978) A suit by a prison inmate against a guard held that the guard's assault on the prisoner was unprovoked and unnecessary to maintain order.

Hernandez v. Lattimore, 454 F. Supp. 763 (D.C. N.Y. 1978) An alleged assault upon a prisoner by a federal prison officer could be brought to trial under the Federal Torts Claims Act.

Lamb v. Hutto, 467 F. Supp. 562 (D.C.E.D. Va. 1979) Verbal assaults and threats made by prison officials to a prisoner do not give rise to a constitutional violation.

McCargo v. Mister, 462 F. Supp. 813 (D.C. Md. 1978) The use of chemical agents such as tear gas and mace should be strictly limited to circumstances preser the utmost degree of danger and loss control.

Spain v. Procunier, 408 F. Supp. 534 (N.D. Cal. 1976) Use of tear gas and chemical agents against individual prisoners in their cells is unjustified and unconstitutional absent a clear and present danger of riotous proportions.

Drake v. Airhart, 245 S.E.2d 853 (W. Va. 1978) Handcuffing the defendant to cell bars was not unwarranted since he had destroyed jail property and was generally disruptive.

XIV. Hiring and training of staff

A. Hiring

Pugh v. Locke, 406 F. Supp. 318 (M.D. Ala. 1976) aff'd 559 F.2d 285 (5th Cir., 1977) Cert. den. 98 S. Ct. 3144 (1978) Affirmative hiring program needed to reduce the racial and cultural disparity between the staff and the inmate population.

Miller v. Carson, 401 F. Supp. 835 (M.D. Fla. 1975) (Jacksonville, Jail) aff'd 563 F.2d 741 (5th Cir. 1977) Officials must devise psychological tests to determine whether employee is suitable for employment in detention facility.

Jones v. Wittenberg, see also, *Barnes v. Government of Virgin Islands*, 415 F. Supp. 1218 (D.V.I. 1976) Psychological exams designed to disclose gross defects which would interfere with proper functioning as jailor required.

Taylor v. Perini, 413 F. Supp. 189 (N.D. Ohio)(Marion Correctional Institute) All candidates for staff positions to receive psychological exams designed to disclose any propensity for racism, sadism, or brutality and to assist in selecting candidates most likely to have a helping, client-service orientation.

Holt v. Sarver, 442 F.2d 304 (1971) Completion of a programmed instruction course prepared by the U.S. Bureau of Prisons for jail officers and administrators required for employment.

B. Training

Miller v. Carson, 401 F. Supp. 835 (M.D. Fla. 1979) aff'd 563 F.2d 741 (5th Cir. 1977) Officials must devise a complete training program.

Pugh v. Locke, 406 F. Supp. 318 (M.D. Ala. 1976) aff'd 559 F.2d 283 (5th Cir. 1977) cert. den. 98 S. Ct. 3144 (1978) Appropriate and effective training programs shall be provided all staff members employed within the Alabama penal system.

Goldsby v. Carnes, 429 F. Supp. 370 (W.D. Mo. 1977) All staff must receive annually 40 hours of training including courses in psychology.

XV. Work, idleness and exercise

A. Work and idleness

Newman v. Alabama, 559 F.2d 283 (5th Cir. 1977) modified 438 U.S. 781 (1978) There is no constitutional requirement that prisoners be assigned meaningful jobs based on skill and interest.

Bijeol v. Nelson, 579 F.2d 423 (7th Cir. 1978) A jail may validly require a pretrial detainee to perform general housekeeping duties up to two hours per day.

Durso v. Rowe, 579 F.2d 1365 (7th Cir. 1978) The removal from a work release program without prior notice or hearing is a violation of a prisoner's rights.

Garland v. Polley, 594 F.2d 1220 (8th Cir. 1979) It is permissible to refuse to allow inmates to join with others in a business while incarcerated.

Pugh v. Locke, 406 F. Supp. 318 (M.D. Ala. 1976) aff'd 559 F.2d 285 (5th 1977) cert. den. 98 S. Ct. 3144 (1978) Each inmate shall be assigned to a meaningful job and have the opportunity to participate in basic educational programs and vocational training programs designed to teach marketable skills.

Laaman v. Helgemoe, 437 F. Supp. 269 (D. N.H. 1977) Every prisoner shall be afforded an opportunity to work at a useful job. No prisoner shall be idle or in a status whereby he has to wait longer than 14 days for a job assignment.

Barnes v. Government of Virgin Islands, 415 F. Supp. 1218 (D. V.I. 1976) "Each inmate shall be assigned a meaningful job based on his abilities and interests, and according to institutional needs".

Gray v. Levine, 455 F. Supp. 267 (D.C. Md. 1978) Prison officials who ordered a general lockup as a security measure during a work stoppage strike, did not violate prisoners' rights because they did not confine inmates who expressed a willingness to work

Haworth v. State, 592 P.2d 820 (Hawaii 1979) Due to the special relationship between a state and a prisoner, the State is under a duty to take reasonable care in protecting the prisoner from physical harm which results from his own negligence in the course of his work duties.

Trigg v. Blanton, No. A-6047 (Davidson County, Tenn. Aug. 1978) The forced idleness by plaintiff's failure to provide an adequate amount of constructive activity unconstitutionally contributes to the cumulative impact of the totality of the conditions of confinement.

B. Exercise

Sinclair v. Henderson, 331 F. Supp. 1123 , 1131, (E.D. La. 1971) (Louisiana State Penitentiary) "Confinement for long periods of time without opportunity for regular outdoor exercise does, as a matter of law, constitute cruel and unusual punishment . . ."

Ahrens v. Thomas, 434 F. Supp. 873 (W.D. Mo. 1977) modified 570 F.2d 286 (8th Cir. 1978) Total lack of outdoor recreation and exercise facilities and programs is unconstitutional.

Taylor v. Sterrett, 532 F.2d 462 (1972) An outdoor areas for exercise and a "rehabilitative program of recreation" required.

Rhem v. Malcolm, 507 F.2d 333 (1974) The 50 minute per week opportunity for exercise did not meet constitutional standards; difficulty of providing space for exercise in urban institution was unacceptable as justification for the deprivation imposed on the inmates.

Alberti v. Sheriff of Harris Co., 406 F. Supp. 649 (1975) Inmates are entitled to one hour outdoors, three times a week.

O'Bryan v. County of Saginaw, Mich., 437 F. Supp. 582 (E.D. Mich 1977) Combination of calisthenics one-half hour per day with opportunity for more extensive outdoor exercise when weather permits would be constitutional.

Mitchell v. Untreiner, 421 F. Supp. 886 also see, *Campbell v. McGruder*, 416 F. Supp. 100 (D. D.C. 1975) modified 580 F.2d 521 (D.C. Cir. 1978) Pretrial detainees have the same right to daily exercise as is afforded convicted inmates. At least one hour of outdoor recreation daily.

Barnes v. Government of Virgin Islands, 415 F. Supp. 1218 (D. V.I. 1976) One hour per day of outdoor exercise required.

Stewart v. Gates, 450 F. Supp. 583 (C.D. Ca. 1978) Allowance to general population of jail of two hours and twenty minutes of outdoor exercise per week was sufficient.

Battle v. Anderson, 376 F. Supp. 402 (E.D. Okla. 1974) Confinement to cell for periods up to a year without any opportunities for physical exercise, work or education programs violates the Eighth Amendment.

All inmates must be afforded reasonable time outside their cells daily for the purpose of exercise or other form of recreation. When weather permits, the inmates shall be allowed outdoors during at least part of this exercise period.

Pugh v. Locke, 406 F. Supp. 318 (M.D. Ala. 1976) aff'd 559 F.2d 283 (5th Cir. 1977) cert. den. 98 S. Ct. 3144 (1978) Adequate equipment and facilities shall be provided to offer recreational opportunities to every inmate. Each institution shall employ a recreation director with a bachelor's degree or equivalent training in physical education. Inmates in isolation shall be allowed at least 30 minutes outdoor exercise per day.

Laaman v. Helgemoe, 437 F. Supp. 469 (D. N.H. 1977) The court ordered that prisoners be given "in a meaningful and effective manner" opportunities to participate in outdoor and indoor sports and recreation year round and that defendants have a recreation director, *id.* at 330. Prisoners in isolation shall be allowed 30 minutes of physical exercise daily; adequate exercise is to be afforded prisoners during the initial classification and orientation period.

Palmigiano v. Garrahy, 443 F. Supp. 956 (D. R.I. 1977) The court ordered defendants to establish recreational programs with sufficient resources and staff so that every inmate has an opportunity to participate on a regular basis.

Burbank v. Thompson, No. 76 C. 4471 (N.D. Ill. May 1978) Each inmate from the general population must have access for one uninterrupted hour each day to an exercise yard or other facility outside of his cell, and a recreation director with a bachelor's degree or equivalent training in recreation or physical education shall be employed.

James v. Wallace, 406 F. Supp. 318 (M.D. Ala. 1976) aff'd 559 F.2d 283 (5th Cir. 1977) cert. den. 98 S. Ct. 3144(1978) Order employment of a recreational officer.

Spain v. Procunier, 408 F. Supp. 534 (N.D. Calif. 1976) Inmates in segregation entitled to one hour of outdoor recreation five days each week.

Adams v. Mathis, 458 F. Supp. 302 (D.C. Ala. 1978) Pretrial and posttrial detainees must be provided with adequate outdoor recreation.

Bono v. Saxbe, 462 F. Supp. 146 (D.C. Ill. 1978) Exercise in groups of four was not necessary for persons confined in a control unit at a federal penitentiary. Limiting group exercise to groups of 2 was sufficient.

XVI. Rehabilitation

Newman v. Alabama, 559 F.2d 283 (5th Cir. 1977) modified 438 U.S. 781 (1978) A penal system cannot be operated in such a way that it impedes an inmate's ability to attempt rehabilitation or simply to avoid physical, mental or social deterioration.

McCray v. Sullivan, 509 F.2d 1332, 1335 (5th Cir. 1975) cert. den. 423 U.S. 951 "Failure of prison authorities to provide a rehabilitation program, by itself, does not constitute cruel and unusual punishment."

Newman v. Alabama, 559 F.2d 283 (5th Cir. 1977) modified 438 U.S. 781 (1978) "If the State furnishes its prisoners with reasonably adequate food, clothing, shelter, sanitation, medical care, and personal safety, so as to avoid the imposition of cruel and unusual punishment, that ends its obligations under Amendment Eight. The Constitution does not require that prisoners, as individuals or as a group, be provided with any and every amenity which some person may think is needed to avoid mental, physical, and emotional deterioration."

Holt v. Sarver, 442 F.2d 304 (8th Cir. 1971) Confinement in otherwise unexceptional penal institution is not unconstitutional simply because it does not operate school or provide vocational training or other rehabilitation programs; but absence of affirmative program of training and rehabilitation may have constitutional significance where in absence of such programs.

Battle v. Anderson, 564 F.2d 388 (10th Cir. 1977) While inmate does not have a right to rehabilitation, he is entitled to be confined in an environment which does not result in his degeneration or which threatens his mental and physical well being.

Pugh v. Locke, 406 F. Supp. 318 (M.D. Ala. 1976) aff'd 559 F.2d 283 (5th Cir. 1977) cert. den. 98 S.Ct. 3144 (1978) If the State furnishes prisoners with reasonably adequate food, clothing, shelter, sanitation, medical care and personal safety, so as to avoid the imposition of cruel and unusual punishment, that ends its obligations under Amendment Eight.

Laaman v. Helgemoe, 437 F. Supp. 269 (D. N.H. 1977) Thus far no court has recognized federal constitutional right to rehabilitation in the sense that an individual has a positive right to leave a penitentiary equipped to function as a law abiding member of society. However, there is growing recognition of the inmate's right not to be incarcerated in conditions which are counter-productive to rehabilitation and increase the probablity of recidivism. This right not to be confined in conditions which cause degeneration is one of degree, and the extent of the state's affirmative duty to promote rehabilitation depends on other conditions. The state has a duty to provide opportunities to overcome the degenerative aspects of the particular prison. The court required that each prisoner be given the opportunity to work at a useful job. No prisoner shall be removed from a job to nonworking status without due process procedures. Every prisoner shall have the opportunity to participate in educational and recreational programs and to learn a skill marketable in New Hampshire.

Barnes v. Government of Virgin Islands, 415 F. Supp. 1218 (D. V.I. 1976) "Though having inmates spend their days in a state of institutionally induced numb lethargy may make the task of corrections officials much easier, this cannot pass constitutional muster if rehabilitation is to have any meaning as a viable goal of a corrections system." Court went on to order that every inmate be given the opportunity to participate in basic education programs, work release or vocational training.

Alberti v. Sheriff of Harris Co., 406 F. Supp. 649 (1975) Adequate vocational and educational programs are required.

Mitchell v. Untreiner, 421 F. Supp. 885 (N.D. Fla. 1976) Basic and remedial education courses, including remedial reading are required.

Palmigiano v. Garrahy, 443 F. Supp. 956 (D. R.I. 1977) "Viewed as a part of the dehabilitating conditions that prevail . . . , the near-total absence of meaningful rehabilitative programs or recreational activity constitutes a failure . . . of constitutional dimension." The near-total absence of meaningful rehabilitative programs is a clear violation of defendants' statutory duty. The court, therefore, did not reach the question whether convicted adult inmates have a constitutional right to rehabilitation in an institution that otherwise comports with minimum constitutional standards. However, defendants' failure to provide adequate rehabilitation programs has a constitutional dimension: the inmates' excessive idleness was major cause of the violence and terror pervading the prison in violation of the Eighth Amendment.

Carter v. Rapone, 394 A.2d 1092 (Pa. Cmwlth. 1978) The court would not consider a complaint that a prisoner was excluded from certain rehabilitation programs in a state prison because the conditions and privileges of his confinement are under the control of the Bureau of Corrections.

Aripa v. Department of Social and Health Services, 588 P.2d 185 (Wash. 1978) Where the Department of Social and Health

Services provided a basic alcohol treatment program at a state prison which consisted of a variety of treatment components, inmates' claims for more comprehensive and individualized treatment were denied as inappropriate.

XVII. Race and sex discrimination

A. Racial Discrimination

Jones v. Diamond, 594 F.2d 997 (5th Cir. 1979) Racial segregation in bull pens is unconstitutional, even if inmates have the freedom to choose which of two bull pens they wish to occupy.

Edwards v. Garrison, 529 F.2d 1374, (4th Cir. 1976) cert. den. 424 U.S. 950 (1976) The use of a racial designation in the institutional numbering system requires strict scrutiny.

Martin v. Wainwright, 526 F.2d 938 (5th Cir. 1976) Refusal to permit individuals of a race different from the inmate on his visiting list states a claim under the 14th Amendment.

Inmates of Nebraska Penal and Correctional Complex v. Greenholtz, 567 F.2d 1368 (8th Cir. 1977) cert. den. 99 S.Ct. 732 (1978) Statistics showing that whites and blacks were afforded parole more frequently than native Americans and Mexican-Americans were not sufficient to demonstrate a prima facie case of racial or ethnic discrimination.

Finney v. Hutto, 410 F. Supp. 251 (E.D. Ark. 1976) (Cummins & Tucker) aff'd 437 U.S. 678 (1978) Court indicates that it has acted to enjoin racial discrimination in institutions.

Douglas v. United States Attorney General, 404 F. Supp. 1314 (W.D. Okla. 1975) Failure to have blacks on disciplinary committee did not violate civil rights.

Mickens v. Winston, 462 F. Supp. 910 (D.C. Va. 1978) Racial segregation is unconstitutional within prisons, save for the necessities of prison security and discipline.

B. Sexual discrimination/ Equal protection

Chesimard v. Mulcahy, 570 F.2d 1184 (3rd Cir. 1978) A woman prisoner was not denied her constitutional rights while being temporarily incarcerated in solitary confinement in an all male facility.

Paprskar v. Estelle, 566 F.2d 1277 (5th Cir. 1978) A system whereby state prisoners are incarcerated in a jail does not in itself represent a denial of equal protection where good time is concerned.

United States v. Shead, 22 Cr. L. 2372 (10th Cir. 1977) The fact that the United States Parole Commission must, with some exceptions, award credit for the time served on parole against a parole violator's sentence. While a sentencing judge need not credit the time spent on probation against a probation violator's sentence, does not constitute a violation of equal protection.

McCray v. Bennett, 467 F. Supp. 187 (D.C. M.D. Ala. 1979) Where prisoners are segregated for purposes of inter-institutional discipline and some are released from segregation before term and others are retained longer than term, prisoners are denied equal protection.

Owens-El. v. Robinson, 442 F. Supp. 1368 (W.D. Pa. 1978) Where pretrial detainees and convicted persons are comingled in their cell assignments, the constitutional common denominator must be the rights of the pretrial detainees.

California Correctional Officers Association and Correctional Series, Inc. v. Board of Administration of the Public Employees' Retirement System, 143 Cal. Rptr. 125 (Calif. App. 1978) The discretion of the Board of Administration of the Public Employees' Retirement System in approving or rejecting separate medical health insurance plans is not limited by the California statute granting certain correctional, parole and probation officers the same status as members of the California Highway Patrol and State Police Division.

In re Davis, 154 Cal. Rptr. 330 (Cal. App. 1979) State prison inmates and inmates in local detention facilities do not need to be treated uniformly for the purpose of deciding behavior credits.

Holdman v. Olim, 581 P.2d 1164 (Hawaii 1978) The requirement that woman visitors to an all-male prison must wear a brassiere did not infringe any constitutional rights to privacy or equal protection because such was substantially related to achievement of a governmental objective of prison security.

Iowa Department of Social Services v. Iowa Merit Employment Department, 261 N.W.2d 161 (Iowa 1977) The duties of a Correctional Officer II are of such a nature that they prohibit females from exercising them, therefore, no sex discrimination was demonstrated in rejecting the plaintiff's application.

Dodson v. State, 377 N.E.2d 1365 (Ind. 1978) A male convict has no right to be sentenced to a woman's penitentiary.

Jennings v. State, 389 N.E.2d 283 (Ind. 1979) Different treatment of good time for "lifers" and "non-lifers" does not violate the rights of either. Sentencing and treatment classification is a benefit given by the State and the State only needs to show a reasonable basis for the classification.

State v Freemen, 574 P.2d 950 (Kan. 1978) Statutes which deny the possibility of probation or parole for a select class of crimes are constitutional.

Carter v. State, 381 A.2d 309 (Md. App. 1978) Under the circumstances, the defendant lacked standing to challenge on equal protection grounds the constitutionality of a statutory scheme where maximum penalties for escaping from various correctional institutions were unequal.

Cooper v. Lombard, 409 N.Y.S.2d 30 (N.Y.A.D. 1978) Jail conditions do not have to be of equal quality to state correctional facilities.

Trivento v. Commissioner of Corrections, 380 A.2d 69 (Vt. 1977) State statutes that allow good time reduction on sentences for those in custody of the Commissioner of Corrections but not for persons in custody of the Commissioner of Mental Health are constitutional.

XVIII. Grievance procedures

Finney v. Hutto, 410 F. Supp. 251 (E.D. Ark. 1976) aff'd 457 U.S. 678 (1978) A requirement of the exhaustion of a state grievance procedure before commencing a civil rights suit hinted at.

Nickens v. White, 461 F. Supp. 1158 (D.C. Mo. 1978) Inmates in a minimum security prison may be prohibited from circulating grievance petitions by prison rules. The rule against petitions is necessary to ensure prison security against the dangers posed by prisoners who organize a group action to petition against grievances.

York v. Department of Corrections Administrative Review Board, 390 N.E.2d 594 (Ill. App. 1979) The circuit court had no jurisdiction to review a prisoner grievance decision of the Administrative Review Board.

Beaver v. Chaffee, 579 P.2d 1217 (Kan. App. 1978) The administrative procedure for bringing about changes in the conditions of prison confinement were nonexistent thereby allowing the inmates to seek judicial review at the outset.

Brooks v. Wainwright, 439 F. Supp. 1335 (M.D. Fla. 1977) The prisoners at the Florida State Prison had no right to organize and bargain collectively.

XIX. Disciplinary methods

Bell v. Wolfish, 99 S.Ct. 1861 (1979) The test of whether regulations or practices are punishment depends upon whether they are rationally related to a legitimate, nonpunitive governmental purpose and whether they appear excessive in relation to that purpose. Security and order are non-punitive objectives for pretrial detainees or convicted inmates.

Baxter v. Palmigiano, Enomoto v. Cluchette, 425 U.S. 308 (1976) Inmate not entitled to 5th Amendment privilege against self incrimination at disciplinary hearings. Need not permit private counsel. Need not give reasons for denial of cross-examination.

Wolff v. McDonnell, 418 U.S. 539 (1974) Due process hearing required where action may result in loss of good time and possibly in those that might result in solitary confinement. Procedural requirements include: (1) written notice of charges at least 24 hours prior to hearing; (2) a hearing must be held in which the inmate may present a defense; (3) must be a written statement by fact finders as to evidence relied upon and reasons for disciplinary action.

Feeley v. Sampson, 570 F.2d 364 (1st Cir. 1978) Pretrial detainees do not have the right to counsel in disciplinary proceedings.

McKinnon v. Patterson, 568 F.2d 930 (2nd Cir. 1978) Due process required 24 hours advance written notice of charges to inmates who face up to two weeks of disciplinary confinement, and must be pursuant to a hearing.

McKinnon v. Patterson, 22 Cr. L. 2060 (2nd Cir. 1977) cert. den., 22 Cr. L. 4193 (U.S. 1978) Since there is no basic difference between "keeplock" and "solitary," a prisoner facing a potential two-week stay in keeplock for disciplinary reasons is entitled to 24 hours advance written notice of the charges. The imposition of "keeplock" for a period of up to 2 weeks constitutes a substantial deprivation that necessitates minimal due process safeguards.

Lane v. Hanberry, 593 F.2d 648 (5th Cir. 1979) It is not required that when a prisoner is advised of his right to an administrative appeal on a discipline decision, that he also is advised that his waiver precludes his right to challenge the ruling in a court of law.

Hindman v. Oregon State Penitentiary, 547 P.2d 646 (Ct. App. Ore. 1976) Single act of misconduct cannot form the basis for two disciplinary violations.

Steele v. Gray, 223 N.W.2d 614 (Wis. 1974) There must be a neutral hearing officer or tribunal which will be likely to arrive at a decision without the likelihood of arbitrary action.

Baxter v. Lewis, 421 F. Supp. 504 (W.D. Va. 1976) There is no right to appointment of counsel at institutional disciplinary hearings and no right to have reasons stated for not calling witnesses.

Bills v. Henderson, 446 F. Supp. 967 (E.D. Tenn. 1978) The failure to provide inmates a limited written record of a hearing wherein orders were entered placing them in segregation and depriving them of good time deprived them of due process.

Bono v. Saxbe, 450 F. Supp. 934 (E.D. Ill. 1978) Prisoners placed within the "control unit" are entitled to receive a written notice of the disciplinary hearing, impartial decision making, and immediate and subsequent periodic review of the final disposition.

Craig v. Hocker, 405 F. Supp. 656 (D. Nev. 1975) Minor infraction requires notice and an opportunity to respond before imposition of punishment. Major infractions require *Wolff* due process.

Finney v. Mabry, 455 F. Supp. 756 (D.C. Ark. 1978) Prison disciplinary officials have a duty to collect written statements from witnesses whose presence is requested by the charged inmate if they know or should know that any of those witnesses will not be able to attend the hearing.

An inmate charged with a rule violation has no right to confront informants against him or even to know of informant's identity. High prison officials may not order verdicts of guilty or suggest certain punishments to members of the discipline committee.

A written statement by the committee must be given to the inmate and must include the reasons and evidence relied upon in reaching their decision.

Telephone calls to staff members are not enough. If testimony is needed for the discipline hearing, those persons should be present.

Green v. Nelson, 442 F. Supp. 1047 (D. Conn. 1977) Disciplinary committees are under an obligation to summon all staff members who are called as witnesses to a fight by a prisoner.

Hutton v. Heggie, 454 F. Supp. 870 (U.S.D.C., Colo. 1978) A prison discipline committee's hearing cannot substitute for a parole rescission hearing. This is a requirement of due process.

Taylor v. Perini, 413 F. Supp. 189 (N.D. Ohio 1976) The inmate rules must be in written form.

Tawney v. McCoy, 462 F. Supp. 752 (D.C. W.Va. 1978) The appointment of an inmate representative to represent an inmate at a discipline hearing would offset any prejudicial effects arising from the denial of legal materials to the inmate. At a discipline hearing, a state prison inmate had no constitutional right to fully cross-examine his accusers and no unlimited right to call witnesses.

Williams v. Stacy, 468 F. Supp. 1206 (D.C. Va. 1979) A prisoner contested his hearing before the institution classification committee after he circulated a petition which referred to prison guards as "Nazis" and "maniacs" and warned that the situation could develop into "another Attica." The court held that the potential to create serious security problems justified the action of holding the hearing and it did not abridge the prisoner's rights.

Wilson v. Superior Court of Los Angeles County, 148 Cal. Rptr. 30, 582 P.2d 117 (Cal. 1978) Jail privileges cannot be taken away without cause. Cause may be either for security or for discipline but may not occur without notice and a hearing. The only exception is in an emergency, but even then notice and hearing must be given to the inmate as soon as practical. It should never exceed 72 hours.

Notice and hearing of a restriction of an inmate's privileges must be afforded within 72 hours and at no time may such a restriction be imposed for punitive reasons only. Any disciplinary proceeding which denies a pretrial detainee the benefits of a jail policy must apply due process standards under *Wolff v. McDonnell*.

Swarez v. Wainwright, 363 So.2d 833 (Fla. App. 1978) It was not necessary for the discipline committee to call all the witnesses requested by the prisoner in view of the possible risk of retaliation against inmates and officers who were witnesses to a prison disturbance. Informing the prisoner of information contained in the reports of the incident was sufficient.

State ex rel. Armistead v. Phelps, 365 So.2d 468 (La. 1978) This case reviews the proper process for administrative review of discipline proceedings in Louisiana.

State v. Walls, 356 So.2d 75 (La. App. 1977) Unless it is shown to be arbitrarily or capriciously made, a prison official cannot be found to be civilly liable in damages for sentencing a prisoner to five days solitary confinement and a loss of 12 days of good time for violation of a disciplinary rule.

Hopkins v. Maryland Inmate Grievance Commission, 391 A.2d 1213 (Md. App. 1978) The ordinary backlog of cases does not except the requirement of a hearing within 72 hours. That time limit must be complied with unless it is prevented by exceptional circumstances.

Lawrence v. Michigan Department of Corrections, 276 N.W.2d 554 (Mich. App. 1979) The Department of Corrections is an "agency" for the purposes of the Administrative Procedure Act. A Prison Disciplinary hearing is a "contested case" and thus falls under the protection of the procedural safeguards of the Act. Therefore, the prisoner has a right to judicial review of the outcome of the hearing.

State v. Kerns, 271 N.W.2d 48 (Neb. 1978) Prison disciplinary hearings do not require that the same rights be afforded the prisoner as in a criminal prosecution.

Allen v. Oregon State Penitentiary, Corrections Division, 576 P.2d 831 (Ore. App. 1978) The unsupported assertion of an informant is sufficient to base the imposition of a disciplinary sanction by the disciplinary committee.

Bishop v. Oregon State Penitentiary, Corrections Division, 581 P.2d 122 (Ore. App. 1978) The prison disciplinary committee did not abuse its discretion in denying the prisoner's request to undertake a lie-detector examination.

Duncan v. Oregon State Correctional Institution, 580 P.2d 1047 (Ore. App. 1978) A preliminary placement of a prisoner in a segregation and isolation unit pending subsequent disciplinary hearings is not reviewable by the court.

The prisoner was not prejudiced by a disciplinary order placing him in segregation and isolation for one year since this time was credited against his sentence.

Goodspeed v. Oregon State Penitentiary, Corrections Division, 580 P.2d 1060 (Ore. App. 1978) The defendant was not prejudiced by the failure of the disciplinary committee to contact a witness who would have offered testimony relevant to a charge which was subsequently dismissed.

Gordon v. Oregon State Penitentiary, Corrections Division, 582 P.2d 19 (Ore. App. 1978) The court affirmed the holding of a prisoner in isolation for 9 days although the disciplinary committee violated its own rules by confining him over 7 days without finding that the inmate constituted a threat to the security of the institution.

Hale v. Oregon State Penitentiary, Corrections Division, 577 P.2d 531 (Ore. App. 1978) The failure of the Superintendent to enter his order modifying a disciplinary committee's order placing a prisoner in segregation requires the reversal of the disciplinary committee's order.

Hartlieb v. Oregon State Correctional Institution, 584 P.2d 314 (Ore. App. 1978) A prison may not require a prisoner found guilty of assault to pay for his own medical bills. The prisoner injury was not "damage to institution property" within the prison regulations allowing for restitution.

Hignite v. Oregon State Penitentiary, Corrections Division, 576 P.2d 798 (Ore. App. 1978) The imposition of two weeks of segregation by the disciplinary committee will be reversed since the committee failed to produce the results of a urine test which could have cleared or affirmed the charges brought against the prisoner.

Penrod v. Oregon State Penitentiary, Corrections Divisions, 581 P.2d 124 (Ore. App. 1978) The court is not empowered to collaterally review prior disciplinary orders to determine their validity and justification.

Preston v. Oregon State Penitentiary, 583 P.2d 9 (Ore. App. 1978) A discipline hearing board may use evidence of unnamed informants on an assault charge, if the information from different sources justifies the inference of truthfulness of the informants.

Melton v. Oregon State Correctional Institution, Corrections Division, 580 P.2d 572 (Ore. App. 1978) The prison disciplinary committee order recommending that the defendant serve 30 days in isolation and suffer forfeiture of 426 days of statutory good time was justified in that his misconduct constituted a hazard to human life and health.

Nicklin v. Oregon State Correctional Institution, 593 P.2d 1268 (Ore. App. 1979) The court held that a Prison Discipline Committee improperly denied a prisoner's request for an investigation of the charges against him before rendering a decision.

Robertson v. Oregon State Penitentiary, Corrections Division, 582 P.2d 32 (Ore. App. 19 8) Where only extensive discussion followed an inmate's suggestion that the inmates should strike by refusing to leave a visiting room, no conspiracy existed in violation of the prison regulations. Even though a prisoner advocated an inmate strike, no conspiracy was found because there was no agreement by other inmates. Without *agreement*, there can be no conspiracy.

Stone v. Oregon State Penitentiary, Corrections Division, 579 P.2d 874 (Ore. App. 1978) A report of the defendant's violation of institutional rules was inaccurate and subsequent disciplinary action should be applied accordingly.

Storms. v. Oregon State Penitentiary, 581 P.2d 979 (Ore. App. 1978) An inmate should be afforded an opportunity to supplement the record of a disciplinary proceeding.

Baker v. Wilmot, 410 N.Y.S.2d 184 (N.Y.A.D. 1978) The purpose of a requirement of written statements of reasons relied upon for disciplinary action taken against prisoners is to provide a basis for court review of actions of prison authorities.
Where a prisoner failed to keep possession of linen issued to him by taking it to the shower rooms, there was enough evidence to support an order that he pay for the loss if it.

Crudo v. Fogg, 415 N.Y.S.2d 897 (N.Y.A.D. 1979) Minimum requirements of due process were not met in a discipline hearing; therefore the matter was remitted for further proceedings.

Dunne v. Reid, 402 N.Y.S.2d 923 (N.Y. App. 1978) Because a prisoner was subjected to an anal search in the presence of others in violation of the internal prison regulations, he was entitled to expungement of the disciplinary action upon his record.

Hurley v. Ward, 402 N.Y.S.2d 870 (N.Y. App. 1978) A prisoner was entitled to expungement of the disciplinary proceedings brought against him since he was not afforded the opportunity to choose the employee that will assist him in the proceeding, no employee with direct knowledge was interviewed by the hearing officer, and because no record of the evidence relied upon by the fact finder was supplied to the inmate.

Rodriguez v. Ward, 407 N.Y.S.2d 731 (N.Y.A.D. 1978) The court ordered a new discipline hearing because of lack of evidence and improper records.

Romano v. Ward, 409 N.Y.S.2d 938 (N.Y. Sup. Ct. 1978) Prison discipline proceedings in New York State afford prisoners greater protections than those ordered by the United State Supreme Court. Prisoners are entitled to assistance by prison officials and have the right to know about all information given by witnesses.

Commonwealth v. Vasquez, 389 A.2d 111 (Pa. Sup. 1978) A hearing which lasted five minutes and consisted solely of the testimony of one witness and at which the defendant's counsel said nothing in support or defense of his client was not sufficient to meet the prisoner's due process rights.

Phillips v. Gathright, 468 F. Supp. 1211 (D.C. Va. 1979) A prisoner was punished for keeping a 2½-foot-long stick in his cell. He alleged that his rights were violated because others kept more dangerous instruments, therefore his punishment was discriminatory. The court held that punishment is not arbitrary simply because others escape it. Prison discipline measures are only arbitrary if they are based on illicit reasons or no reasons at all.

Drake v. Airhart, 245 S.E.2d 853 (W.Va. 1978) Unless there is a clear abuse of discretion of treatment or discipline, courts will ordinarily not interfere. Each case must be decided on its own facts. In this case handcuffing an inmate to the cell bars was *not* found to be an infringement of his constitutional rights since his escape attempts and disruptive behavior necessitated restraint for his and other prisoners' protections.

Watson v. Whyte, 245 S.E.2d 916 (W.Va. 1978) An evidentiary hearing is required before the state may increase either a prisoner's sentence or severity of his confinement whenever such change is a result of misbehavior.

State ex rel. Klinke v. Wisconsin Department of Health and Social Services, 273 N.W.2d 379 (Wis. App. 1973) The mere fact of drinking is insufficient for a finding of intoxication in a prison discipline hearing.

XX. Civil rights actions and defenses

Bell v. Wolfish, 99 S.Ct. 1861 (1979) The test of whether regulations or practices are punishment depends upon whether they are rationally related to a legitimate, nonpunitive governmental purpose and whether they appear excessive in relation to that purpose. Security and order are non punitive objectives for pre-trial detainees or convicted inmates. Federal Courts are limited in their intervention into institutions to the issue of whether there are constitutional violations.

DiMarzo v. Cahill, 575 F.2d 15 (1st Cir. 1978) cert. den. 58 L.Ed2 320 (1978) A Commissioner of Corrections was liable for any and all unconstitutional practices that may exist in county facilities, which he does not operate, by virtue of statutes requiring him to promulgate and enforce minimum standards.

Procunier v. Navarette, 434 U.S. 555 (1978) State prison officials enjoy qualified immunity from an inmate's 42 U.S.C.S. 1983 action alleging interference with his outgoing mail unless (1) the officials knew or reasonably should have known that their actions would violate the inmate's constitutional rights or (2) the officials acted with malicious intent to cause a constitutional deprivation.
The fact that in 1972 clearly established 1st and 14th Amendment rights did not exist

in respect to the correspondence of inmate mail, precludes the contention that the officials knew or should have known that their actions would violate a constitutional right. Negligence alone will not support a claim for damages in federal court under Section 1973, the Civil Rights Acts.

Nadeau v. Helgemoe, 581 F.2d 275 (1st Cir. 1978) Where a Civil Rights suit was a necessary and important factor in achieving improvements in prison conditions, attorney fees may be awarded, notwithstanding the alleged good faith of prison officials.

McKinnon v. Patterson, 568 F.2d 930 (2nd Cir. 1978) cert. den. 434 U.S. 1087 (1978) Where prison officials proved that they acted reasonably and in good faith, they were entitled to official immunity from a prisoner's civil rights action.

McAllister v. Garrison, 569 F.2d 813 (4th Cir. 1978) cert. den. 436 U.S. 928 (1978) A prisoner need not be afforded a hearing before he is removed from assignment to the inmate advisor program, even though the reasons for the removal may have some implication for a later grant of parole.

Gordon v. Leeke, 574 F.2d 1147 (4th Cir. 1978) cert. den. 99 S.Ct. 464 (1978) District court judges should exercise restraint in dismissing prison inmates' *pro se* 1983 complaints and, when necessary, examine the facts alleged to see whether the plaintiff could allege additional facts in order to maintain the cause of action.

Loe v. Armistead, 582 F.2d 1291 (4th Cir. 1978) U.S. App. Pndg. A pretrial detainee who alleges that Federal Marshals *and* local officials displayed deliberate indifference to a broken arm he suffered while in custody states a cause of action for damages against the marshals and officials.

Strader v. Troy, 571 F.2d 1263 (4th Cir. 1978) Since the plaintiff did not allege that he would have been paroled had the parole board not considered prior uncounseled criminal convictions in determining his eligibility for parole, his complaint must be treated as an action under the civil rights statute rather than one for habeas corpus.

Cook v. Hanberry, 592 F.2d 248 (5th Cir. 1979) Freedom from cruel and unusual punishment is not freedom from otherwise lawful incarceration. The prisoner only has the right to be free from that mistreatment occurring within the confines of his incarceration.

Fielder v. Bosshard, 590 F.2d 105 (5th Cir. 1979) In a civil rights suit based on cruel and unusual punishment, a prisoner must show that prison officials acted with a conscious or callous indifference to his serious medical needs. Mere negligence, neglect, or medical malpractice is insufficient.

Johnson v. Wells, 566 F.2d 1016 (5th Cir. 1978) cert. den. 435 U.S. 970 (1978) Parole officials are immune from suit for damages under the Civil Rights Act.

Maldonado v. Garza, 579 F.2d 338 (5th Cir. 1978) Wide latitude must be afforded to a prisoner's pro se pleadings so as to avoid a motion to dismiss.

Mitchell v. Beaubouef, 581 F.2d 412 (5th Cir. 1978) U.S. App. Pndg. In civil rights actions challenging the conditions of prison confinement, a prisoner does not have to first go through all the state's administrative remedies.

Willett v. Wells, 469 F. Supp. 748, (D.C. Tenn. 1977) aff'd 595 F.2d 1227 (6th Cir.) A state prisoner brought a civil rights action for money damages against 11 persons, most of which were officials of Tennessee. The court held that the prisoner failed to state any cause of action and therefore relief was denied. The Federal District court had no duty to appoint an attorney to represent the indigent prisoner in the civil rights action. Such appointment is discretionary with the court.

Chapman v. Pickett, 586 F.2d 22 (7th Cir. 1978) A prison official was immune from liability for punishing a prisoner for refusing to handle pork on religious grounds during a kitchen clean up. The right of the prisoner to refuse was not clear at the time of the incident.

Secret v. Brierton, 584 F.2d 823, (7th Cir. 1978) Prisoners must exhaust administrative remedies if reasonable prior to filing Section 1983 Civil Rights. Actions when the claim for relief alleges deprivation of property without due process, and the monetary value of the tangible personal property is of no great monetary value.

Cotton v. Hutto, 577 F.2d 453 (8th Cir. 1978) The Warden is not liable in certain cases for the wrongful acts of his employees in suits under the civil rights statute.

DeShields v. United States Parole Commission, 593 F.2d 354 (8th Cir. 1979) Parole examiners were entitled to a good-faith immunity in a denial of parole decision. Liability will not hold unless they demonstrated ill will, malice, discrimination, or other wrongful reasons in their parole decision.

Ronnei v. Butler, 597 F.2d 564 (8th Cir. 1979) Prison officers are entitled to a good faith immunity in suits brought under the Civil Rights Act. A prisoner who had to undergo rabies shots after he was bitten by a bat did not state a cause of action against the shift captain who was negligent by flushing the bat down a toilet before it was tested for rabies.

Tyler v. Woodson, 597 F.2d 643 (8th Cir. 1979) A prisoner successfully stated a cause of action where he alleged that the chief social worker at the jail confiscated his legal papers thereby interfering with the prisoner's access to the courts.

Johnson v. Duffy, 588 F.2d 740 (9th Cir. 1978) A prison official cannot rely on a defense of good faith in a civil rights action if his actions show that a valid law was not followed by him and resulted in the denial of a prisoner's rights.

Battle v. Anderson, 594 F.2d 786 (10th Cir. 1979) The conditions and treatment of inmates are not dependent on the willingness or financial ability of a state to provide decent institutions. Courts, however, should allow the least drastic means to be utilized in correcting constitutional deficiencies.

Campbell v. McGruder, 580 F.2d 521 (D.C. Cir. 1978) Pretrial detainees generally retain more rights than convicted prisoners. This may justify more judicial control than with sentenced inmates.

Newman v. State of Alabama, 466 F. Supp. 628 (D.C. Ala. 1979) Where no effort was made to come within compliance of a court order to remedy the Alabama prison conditions, the court appointed the governor as temporary receiver in order that he be duty-bound and authorized to execute the standards set in the court order. The case includes a description of the violations and sets forth the corrections to be made.

Hamilton v. Covington, 22 Cr.L. 2487 (W.D. Ark. 1978) A prisoner's 1983 action based upon the absence of a jailor during a fire in the facility is not blocked by the quasi-legislative nature of the county's "Quorum Court," which is responsible for the administration of the jail.

Holder v. Claar, 459 F. Supp. 850 (D.C. Colo. 1978) Inmates have legal protection against the unjustified taking of personal property by prison officials provided that the property belongs to the inmate.

Marioneaux v. Colorado State Penitentiary, 465 F. Supp. 1245 (D.C. Colorado 1979) An inmate's minimum rights may be created by the State, in which case prison officials are held to comply with those higher standards.

Mingo v. Patterson, 455 F. Supp. 1358 (D.C. Colorado 1978) Federal Courts have a policy of deferring to officials of penal institutions so long as conduct of officials is not of such character that is shocking to general fairness.

Montoya v. Tanksley, 446 F. Supp. 226 (D. Colo. 1978) The prisoner's complaint which alleged that prison officials refused to allow the plaintiff to attend any religious services, enjoy outdoor exercise, or to provide sanitary conditions was sufficient to state a viable cause of action.

Coppola v. United States Attorney General, 455 F. Supp. 15 (D.C. Conn. 1977) A prisoner successfully challenged his classification as a Central Monitoring Case because he was not given proper notice or allowed to know or contest the reasons behind his classification status at the time of the decision.

Phillips v. Collins, 461 F. Supp. 317 (D.C. Ill. 1978) A county jail inmate brought a civil rights action against a judge. The inmate's claim was that he had not received proper treatment for his mental problem and had been confined to a jail rather than a hospital. It was held that the inmate failed to state a claim upon which relief could be granted.

Lock v. Jenkins, 464 F. Supp. 541 (D.C. Ind. 1978) Intervention by Federal courts in administration of prisons must be limited to correction of conditions violating clearly established constitutional rights.

Blake v. Hall, 469 F. Supp. 1025 (D.C. Mass. 1979) Inmates alleged that they denied their civil rights as a result of fire hazards, lack of cleanliness, infestation by insects and rodents, poor plumbing facilities and inadequate recreational and/or rehabilitative programs in prison. The court held these charges were sufficient to state a cause of action against the Massachusetts Acting Commissioner of Public Health who was charged with overseeing the Department of Health.

Fowler v. Vincent, 452 F. Supp. 449 (D.C.N.Y. 1978) A suit by a prison inmate against a guard held that the guard's assault on the prisoner was unprovoked and unnecessary to maintain order.

Hernandez v. Lattimore, 454 F. Supp. 763 (D.C.N.Y. 1978) An alleged assault upon a prisoner by a federal prison officer could be brought to trial under the Federal Torts Claims Act.

Rosati v. Haran, 459 F. Supp. 1148 (D.C.N.Y. 1977) The Bureau of Prisons' consideration of the contents of an inmate's pre-sentence investigation report to decide on custody classification did not violate the inmate's rights, even though the contents were challenged by the inmate.

Torres v. Taylor, 456 F. Supp. 951 (S.D.N.Y. 1978) A federal prisoner must sue for an alleged assault and battery under the Federal Torts Claims Act, not as a "constitutional tort" under the *Bivens* doctrine.

Wright v. Ward, 462 F. Supp. 344 (D.C.N.Y. 1978) Under New York state law, state prisoners have no right to a prior hearing before being designated as a "central monitoring case."

J. B. Taylor v. E. P. Perini, 455 F. Supp. 1241 (D.C. Ohio 1978) In a case involving complaints about prison conditions, the court set out conditions negotiated between the parties. An agreed upon order was entered with respect to mail, law library, receipt of printed material, disciplinary procedures, job assignments and grievances. The compromise reached was for the parties only and does not represent a judicial determination of practices or standards required by the Constitution of the United States or of the State of Ohio.

Gahagan v. Pennsylvania Board of Probation and Parole, 444 F. Supp. 1326 (E.D. Pa. 1978) Absent an allegation that members of the prison board knew of the complained of conduct of subordinates and acquiesced or participated in them, the action brought against them must be dismissed.

Hooker v. Arnold, 454 F. Supp. 527 (D.C. Pa. 1978) Wardens are not protected by absolute immunity. They must rely on the qualified defense of good faith.

Jordan v. Robinson, 464 F.Supp. 223 (D.C. Pa. 1979) Even though a prisoner was locked up mistakenly when a prison disturbance broke out, the action taken was not a violation of his rights because prison authorities had taken reasonable action in response to the disturbance.

Murphy v. Fenton, 464 F. Supp. 53 (D.C. Pa. 1978) Even though a prisoner was denied his due process rights by not having a proper hearing for being placed in an administrative segregation unit, the officials were entitled to a good faith defense.

Smith v. Robinson, 456 F. Supp. 449 (D.C. Pa. 1978) Prison officials were qualifiedly immune from a suit brought when they refused to allow an inmate to use an outside savings account.

Jefferson v. Southworth, 22 Cr. L. 2532 (D.R.I. 1978) Defendant prison officials must submit a plan within five days that will allow for specific timetables in implementing various improvements in the service of meals, recreation time, consultation facilities, vocational training, visiting frequency, and shower opportunities.

Vest v. Lubbock County Commissioners, 444 F. Supp. 824 (N.D. Texas 1977) The plaintiff inmates, who proved unconstitutional deprivations in the conditions of a county jail, failed to show bad faith on part of the prison officials in order to recover monetary damages.

Christian v. Owens, 461 F. Supp. 72 (D.C. Va. 1978) The administratrix of a deceased jail inmate brought a civil rights action against jail authorities for failing to properly search the inmate. As a result the prisoner shot himself with a gun. It was held that strip searches were not in accordance with existing practices for persons arrested for driving under the influence of alcohol and therefore no rights of the inmate were violated by not strip searching him

Rust v. State, 582 P.2d 134 (Alaska, 1978) A prisoner suffering from dyslexia has a right to treatment if a medical authority determines that he has a serious disease or defect, that such disease or defect is curable or subject to substantial alleviation, and that delay or denial of care would work substantial harm on him.

Martinez v. State, 149 Cal. Rptr. 519 (Cal. App. 1978) The Department of Corrections was sued by the father of a 15-year-old girl who was kidnapped, tortured, and murdered by a prisoner they had paroled. Even though the parolee was classified as an untreatable mentally disordered sex offender with a recommendation of no parole, governmental immunity was applicable to the officials. Official acts are privileged if they are done within the scope of official duties.

Williams v. Martimucci, 276 N.W.2d 876 (Mich. App. 1979) The failure of prison administrators to deliver copies of certain documents contained in a prisoner's file to a prisoner did not violate the prisoner's right to them because the prisoner did not pay the $3.00 processing fee and was not on the institution's current list of indigents.

Papenhauser v. Schoen, 268 N.W.2d 565 (Minn. 1978) Members of the Minnesota Parole Board are shielded by the doctrine of discretionary immunity as against an action brought by a plaintiff who was raped by a prisoner who was paroled to a state hospital and subsequently escaped.

LaFrance v. Ward, 408 N.Y.S.2d 573 (N.Y.A.D. 1978) A prisoner must exhaust all available administrative avenues before seeking court relief.

Falkenstein v. City of Bismark, 268 N.W.2d 787 (N. Dak. 1978) The prisoner's suicide was reasonably foreseeable so as to incur liability upon the city for his wrongful death stemming from the city's failure to adequately observe and supervise the decedent while confined in isolation.

The city of Bismark is not only liable for compensatory damages stemming from the wrongful death of an inmate who committed suicide, but also liable for punitive damages.

Penrod v. Cupp, 581 P.2d 934 (Sup. Ct. Ore. 1978) Habeas corpus is available to an inmate to test the lawfulness of conditions of imprisonment such as segregation or isolation in situations where other procedural remedies are not swift enough. Any restraint in addition to that of sentencing is subject to relief through the writ.

Bass v. Cuyler, 387 A.2d 964 (Pa Comwlth. 1978) The Commissioner of the Bureau of Corrections is immune from suit alleging negligence in the release of a prisoner on a weekend furlough during which time the prisoner murdered the plaintiff's husband.

Jackson v. Hendrick, 22 Cr.L. 2356 (Pa. Comm. Pleas 1977) The mayor of Philadelphia, the Commissioner of Public Welfare, and other officials are held in contempt for failure to implement changes in Philadelphia detention facilities as agreed upon one year ago.

Ziegler v. Miliken, 583 P.2d 1175 (Utah, 1978) The courts exercise restraint and will not usually interfere in the management or administration of internal prison affairs. Petitions to courts must appear to involve a basic right.

XXI. Miscellaneous

A. Time credit

Wolff v. McDonnell, 418 U.S. 539 (1974) Due process hearing required where action may result in loss of good time. Procedural requirements include: (1) written notice of charges at least 24 hours prior to hearing; (2) a hearing must be held in which the inmate may present a defense; (3) must be a written statement by fact finders as to evidence relied upon and reasons for disciplinary action.

Owens v. Oakes, 568 F.2d 355 (4th Cir. 1978) No deprivation of civil rights occurred where the loss of prison privileges and good conduct time were well within accepted limits of punishment under North Carolina procedure.

Granville v. Hogan, 591 F.2d 323 (5th Cir. 1979) Parole violators forfeit their good time credits and time spent on conditional release.

Bayless v. Estelle, 583 F.2d 730 (5th Cir. 1978) cert. dis. 99 S.Ct. 2065 (1979) Where a prisoner is entitled to consideration for good time credit it does not necessarily follow that he is entitled to such credit. Award of good time is not mandatory, but depends upon a prisoner's good conduct.

Lazard v. United States, 583 F.2d 176 (5th Cir. 1978) When a prisoner's release is revoked because of his violation of conditions, the United States Parole Commission has authority to forfeit his good-time credit as well as credit for time spent on condition of release.

Arsberry v. Sielaff, 586 F.2d 37 (7th Cir. 1978) Prisoners do not enjoy an entitlement to earn good time under the laws of Illinois.

Hubbert v. United States Parole Commission, 585 F.2d 857 (7th Cir. 1978) Good time only reduces time to be spent in prison and does not reduce the term of a sentence, including time to be spent on parole.

Hamilton v. United States, 464 F. Supp. 210 (D.C. Fla. 1979) Good time and industrial good time are dependent upon a prisoner's continued good behavior. It may be forfeited at any time prior to the term of custody and parole.

Gregg v. Wyrick, 449 F. Supp. 969 (W.D. Mo. 1978) Since the petitioner was guilty of first degree murder, he was not entitled under Missouri law to credit the time spent incarcerated prior to trial against his subsequent sentence.

Craig v. Hocker, 405 F. Supp. 656 (D. Nev. 1975) When good time is taken by a board separate from the disciplinary committee, it must hold a separate *Wolff* hearing.

Carey v. Garrison, 452 F. Supp. 485 (N.D.N.C. 1978) An individual sentenced to death and then later resentenced to life imprisonment is entitled to credit the time spent incarcerated prior to trial against his sentence.

Dolph v. Crisp, 446 F. Supp. 1179 (E.D. Okla. 1978) The plaintiff's loss of the opportunity to earn good-time credits, allegedly because the warden placed letters in his file containing false information concerning drug trafficking, did not deprive him of a constitutionally protected right.

Kincade v. Levi, 442 F. Supp. 51 (M.D. Pa. 1977) Because the defendants indigency prevented him from obtaining a release after his state conviction was reversed, he is entitled to credit the "dead time" spent in the state prison against his federal sentence.

Bills v. Henderson, 446 F. Supp. 967 (E.D. Tenn. 1978) Inmates are not entitled to punitive damages nor restoration of good time merely because they were not afforded a written record of the hearing wherein orders were entered placing them in segregation and depriving them of good time.

State v. Layman, 573 P.2d 909 (Ariz. App. 1978) Defendant was entitled to credit the time previously spent in jail as a condition of probation against the maximum sentence for his conviction of burglary.

In re Ewing, 144 Cal. Rptr. 229 (Cal. App. 1978) Where an arrest is followed by a parole hold, the defendant is entitled to credit the time spent in custody during those proceedings against a subsequent sentence.

In re Stinnette, 155 Cal. Rptr. 912 (Cal. App. 1979) It was held that there was no denial of equal protection for the state to refuse to retroactively apply good behavior and participation credits toward a prisoner under the Determinate Sentencing Law. Such punishment-lessening statutes are to be utilized prospectively only.

In re Wolfenbarger, 142 Cal. Rptr. 745 (Cal. App. 1977) The Penal Code amendments that permit credit for time spent in a "work furlough facility, halfway house, rehabilitation facility, etc." are applicable to sentences imposed prior to the effective date of the amendments where judgement is not final. The trial court erred in failing to consider the petitioner's motion for back time credit solely because the period related to "drug program time."

People v. Sage, 153 Cal. Rptr. 533 (Cal. App. 1979) Credit for work time and good time may be earned during periods of presentence detainment.

People v. Schuler, 142 Cal. Rptr. 798 (Calif. App. 1977) Under California Law, the defendant was entitled to credit the time spent in custody from the date of his arrest to the day he was originally sentenced, including the time spent in prison pursuant to an initial ineffectual guilty plea, against his new sentence.

State v. Fiore, 396 A.2d 144 (Conn. Super. 1978) The court was wrong when it directed that no "good time" credit could be given for the period an inmate spent at a drug treatment hospital. Good time credit is an administrative function and is decided by prison authorities.

Bretti v. Wainwright, 360 So.2d 1299 (Fla. App. 1978) Good time and extra good time cannot be forfeited without notice of a hearing. The Division of Corrections may not forfeit the good time earned by an escapee without affording notice and a hearing when the state decides to nolle prosses the charge of escape.

Hanks v. Wainwright, 360 So.2d 783 (Fla. App. 1978) The forfeiture of the defendant's "good time" without notice or hearing, subsequent to his conviction for escape and pursuant to statutory provisions, did not violate due process.

Rushing v. State, 355 So.2d 501 (Fla. App. 1978) A sentence should specifically set forth the period of time to be credited against one's sentence.

Williams v. State, 370 So.2d 1164 (Fla. App. 1979) Statutes which allow gain time for good conduct and extra good time allowances are meant to reward those prisoners who have made an effort to conduct themselves in a proper manner during incarceration.

Wright v. State, 355 So.2d 870 (Fla. App. 1978) The defendant was entitled to credit for the time spent in custody as a condition of his probation, even though it was subsequently revoked.

Wright v. Wainwright, 359 So.2d 11 (Fla. App. 1978) The state may revoke a prisoner's good-time without notice or hearing after the prisoner effectuates an escape from prison.

People v. Bailey, 371 N.E.2d 1266 (Ill. App. 1978) A court may not deny one credit for time served on periodic imprisonment and probation where the crime took place prior to the enactment of the statute which authorizes the power to deny.

People v. Jones, 376 N.E.2d 454 (Ill. App. 1978) The defendant was entitled to credit the time he spent in jail prior to trial against the six-month sentence he received as a condition of probation, even though the pre-trial jail time was spent because his bail bond was revoked for the commission of a new crime while on bail.

People v. Vahle, 376 N.E.2d 766 (Ill. App. 1978) The defendant was not entitled to credit the time spent incarcerated pending the revocation of his probation against his sentence.

Dunn v. Jenkins, 377 N.E.2d 868 (Ind. 1978) Inmates that are serving determinate terms begun prior to the effective date of a new good time statute may have their good time credit evaluated by the old formula.

Jennings v. State, 389 N.E.2d 283 (Ind. 1979) Different treatment of good time for "lifers" and "non lifers" does not violate the rights of either. Sentencing and treatment classification is a benefit given by the State and the State only needs to show a reasonable basis for the classification.

Campbell v. State, 575 P.2d 524 (Kan. 1978) One is not entitled to credit the time spent incarcerated against another conviction for an unrelated offense.

Polsgrove v. Kentucky Bureau of Corrections, 559 S.W.2d 736 (Ky. 1977) Because Kentucky law provides that pre-institutional custody time is treated as "time served in prison," the defendant was entitled to "good time credit" for the days spent in custody prior to the commencement of his sentence.

Chalifoux v. Commissioner, 377 N.E.2d 923 (Mass. 1978) Massachusetts is under no obligation to credit the time spent by the defendant in a California institution against a Massachusetts sentence.

In re Lynch, 389 N.E.2d 91 (Mass. App. 1979) A prisoner did not forfeit all good time deductions by escaping from confinement because when such escape occurred, he should already have been released on parole but for errors in computing his good time deductions.

In re Patten, 369 N.E.2d 1041 (Mass. App. 1977) Good conduct credits which might be earned subsequent to an unsuccessful prison escape are not subject to forfeiture because of the escape.

Pina v. Superintendent, Massachusetts Correctional Institution, 382 N.E.2d 1079 (Mass. 1978) Good conduct time cannot be earned while on parole.

People v. Risher, 260 N.W.2d 121 (Mich. App. 1977) Where one is released on bond pending sentencing for an assault conviction and is subsequently incarcerated in a juvenile facility for another unrelated offense, he may not credit that time against his original sentence.

Williams v. Warden, Michigan Reformatory, 279 N.W.2d 313 (Mich. App. 1979) A prisoner's good time was ordered restored because the warden had not properly issued rules governing the forfeiture of good time. The "guidelines" that he issued were held unsatisfactory under the requirements of the statute,

Post v. Ruth, 354 So.2d 1111 (Miss. 1978) The application of a good time statute to the defendant that was in force at the time he was admitted to the penitentiary, rather than the statute that was in force at the time of his sentence, was not an ex post facto application.

Spencer v. Basinger, 562 S.W.2d 350 (Mo. 1978) The defendant was entitled to credit for jail time served prior to the date of judgment imposing his sentence.

State v. Stamps, 562 S.W.2d 354 (Mo. 1978) A convicted felon is entitled to credit for jail time accumulated before judgment even where the sentence imposes confinement to a city jail and not to the custody of the Division of Corrections.

State v. Blazek, 259 N.W.2d 914 (Neb. 1977) Where one is sentenced with the statutory maximum term for an offense, he must be credited with the time spent incarcerated before trial.

State v. Kerns, 271 N.W.2d 48 (Neb. 1978) When a prisoner loses good time because of a disciplinary proceeding, it does not constitute double jeopardy.

Wycoff v. Vitek, 266 N.W.2d 211 (Neb. 1978) Good time reductions in one's sentence are subject to forfeiture and nothing can compel an institution's chief executive officer to provide for restoration of forfeited or withheld good time credits.

Millard v. Perrin, 391 A.2d 886 (N.H. 1978) When deciding whether it is legal to treat prisoners differently in the application of good time, that different treatment must further some rational and stated interest of the state.

State v. Allen, 383 A.2d 138 (N.J. Super. App. 1978) One is not entitled to credit the time spent in custody pending the disposition of charges in one county against a subsequent conviction obtained in a different county even though a detainer was lodged against him from the second county during that time.

Midgley v. Smith, 407 N.Y.S 2d 283 (N.Y. A.D. 1978) The Time Allowance Committee cannot rescind good time and extend the period of incarceration. It can only consider how much good time it will grant a prisoner, thereby shortening the length of incarceration.

People ex rel. Lawrence v. New York State Board of Parole, 414 N.Y.S.2d 230 (N.Y.A.D. 1979) Even though good time credit must be earned and is not automatic, the forfeiture of such credit may only follow a hearing.

Vogler v. Smith, 407 N.Y.S.2d 310 (N.Y.A.D. 1978) A prisoner who is recaptured after escape is entitled to credit for time served in local custody from the date of his arrest until the date he is returned to the Department of Corrections.

Arnold v. Adult Parole Authority, 372 N.E.2d 585 (Ohio 1978) A prisoner is not entitled to time credit earned under prior convictions, where he is subsequently convicted under the habitual offender statute.

Melton v. Oregon State Correctional Institution, Corrections Division, 580 P.2d 572 (Ore. App. 1978) The prison disciplinary committee order recommending that the defendant serve 30 days in isolation and suffer forfeiture of 426 days of statutory good time was justified in that his misconduct constituted a hazard to human life and health.

Penrod v. Oregon State Penitentiary, Corrections Division, 581 P.2d 124 (Ore. App. 1978) An order recommending the forfeiture of 45 days of good time is not invalid for the failure of the record to demonstrate supporting material relating to the prisoner's prior disciplinary matters.

Storms v. Oregon State Penitentiary, Corrections Division, 581 P.2d 979 (Ore. App. 1978) In an appeal for loss of statutory good time, the transcript of a discipline committee's findings are necessary for the court's review of the case.

Commonwealth v. Broden, 392 A.2d 858 (Pa. Super. 1978) Good time credit was not allowed for time spent on parole where parole was later revoked as a result of technical violations.

Gaito v. Pennsylvania Board of Probation and Parole, 392 A.2d 343 (Pa. Cmwlth. 1978) The requirement that "street time" credit be forfeited by a convicted parole violator is legal.

Gasper v. Commonwealth Board of Probation and Parole, 388 A.2d 1139 (Pa. Cmwlth. 1978) A prisoner is not entitled to the time spent incarcerated on a dismissed sentence credited against two earlier and later sentences for different crimes.

Howell v. State, 569 S.W.2d 428 (Tenn. 1978) Good and honor time affect only the flat release date of the prisoner. Parole eligibility is not effected.

Trivento v. Commissioner of Corrections, 380 A.2d 69 (Vt. 1977) State statutes that allow good time reduction on sentences for those in custody of the Commissioner of Corrections but not for persons in custody of the Commissioner of Mental Health are constitutional.

Woods v. Whyte, 247 S.E.2d 830 (W.Va. 1978) The purpose of good time is to improve prison discipline. It does not apply to parolees, but only to the prison population. The loss of parole, itself, was established to accomplish good behavior for the parolee population. Parole revocation does not entitle one good time credit for time spent on parole.

Woodring v. Whyte, 242 S.E2d 238 (W.Va. 1978) The statute providing for allowance of good time credit to prisoners is to be applied prospectively, and is mandatory.

State ex rel Hauser v. Carballo, 261 N.W.2d 133 (Wisc. 1978) A mandatory release parole violator must be given a due process hearing prior to the forfeiture of his good time credit.

B. Civil disabilities

Rutherford v. Pitchess, 457 F. Supp. 104 (D.C. Cal. 1978) Prisoners retain all their rights that are not inconsistent with the legitimate functioning of a correctional institution.

Holland v. Hutto, 450 F. Supp. 194 (W.D. Va. 1978) The decision of the Director of the Virginia Department of Corrections to deny a prisoner's request to remarry was not arbitrary nor violative of due process.

Hetherington v. California State Personnel Board, 147 Cal. Rptr. 300 (Calif. App. 1978) A statute banning ex-felons from becoming "peace officers" is constitutional.

In re Cairafa, 143 Cal. Rptr. 848 (Calif. App. 1978) A prisoner's right to marry was impermissibly infringed by the Department of Corrections actions to temporarily prohibit him from marrying because his prospective bride was suspected of smuggling contraband into the prison.

Muessman v. Ward, 408 N.Y.S.2d 254 (N.Y. Sup. 1978) The state may deny an inmate's request to enter into marriage while incarcerated if the inmate is not a "lifer."

C. Evidence

United States v. Bailey, 574 F.2d 637 (D.C. Cir. 1978) The defendants were entitled to present evidence relevant to specific jail conditions during their trial for escape even though the defendants failed to turn themselves over to authorities after effectuating their escape.

State v. Frankl, 570 P.2d 96 (Ore. 1977) The possession of marijuana was not enough to convict a prisoner under the contraband statute. Evidence was necessary to show that a danger is related to its use, not its possession. Evidence of a possible danger is not enough to support a conviction.

State v. Dauzat, 364 So.2d 1000 (La. 1978) A prisoner has no right to belongings in his cell which are required for evidence. A warrant is not necessary in order to seize such material.

Rodriguez v. Ward, 407 N.Y.S.2d 731 (N.Y.A.D. 1978) The court ordered a new discipline hearing because of lack of evidence and improper records.

Doe V., Swinson, 20 Cr. L. 2272, (E.D. Va. 1976) In determining that the sheriff violated standards of supervision which resulted in the sexual assault of an inmate, the court looked at:

(1) expert testimony
(2) National Standards known to defendant
(3) State statutes and regulations
(4) Local jail operating manual

D. Extraordinary remedies

1. Closing of facilities

Rhem v. Malcolm, 507 F.2d 222 (2nd Cir. 1974) Court cannot require voters to make available resources needed to meet constitutional standards of confinement, but it can and must require release of persons held under such conditions, at least where correction of them is not brought about within a reasonable time.

Williams v. McKeithen, 547 F.2d 1206 (5th Cir. 1977) Defendants are enjoined from accepting any new prisoners except escapees and parole violators until prisoner population is no greater than the design capacity of the facility.

Battle v. Anderson, 564 F.2d 388 (10th Cir. 1977) Commencing August, 1977, defendants shall reduce population of state penitentiary at the rate of 100 inmates per month until population is reduced to 800 inmates.

Hamilton v. Landrieu, 351 F. Supp. 549 (E.D. La. 1972) No prisoner shall be incarcerated in the present main facility after March 1, 1975.

Johnson v. Levine, 450 F. Supp. 648 2317 (D. Md. 1978) aff'd 588 F.2d 1378 (4th Cir. 1978) The Maryland House of Corrections is unconstitutionally overcrowded. The conditions of the Special Confinement Area within the facility compel its discontinuance as soon as arrangements can be made to transfer the inmates elsewhere.

O'Bryan v. County of Saginaw, 437 F. Supp. 582 (E.D. Mich. 1978) The Saginaw County Jail officials received their final order to implement specific changes and improvements in the overall conditions of the jail. Unconstitutional deprivations stemming from the conditions of the facility were found there in an earlier related decision.

Gates v. Collier, 454 F. Supp. 567 (D.C. Miss. 1978) The court ordered the closing of two camps of a state penitentiary which aged buildings could not be adequately maintained. Prisoners have protected rights to a decent prison environment.

Gates v. Collier, 423 F. Supp. 732. Aff'd 548 F.2d 1241 (5th Cir. 1977) After January 1, 1977, no prisoners can be accepted for whom the defendents are unable to provide constitutionally adequate facilities (50 square feet.)

Owens-El v. Robinson, 22 Cr. L. 2444 (W.D. Pa. 1978) The overall conditions of the Allegheny County Jail violate the inmates' constitutional rights and changes shall be made in a wide spectrum of areas.

York County v. Commissioner Industrial Board of Department of Labor and Industry, 401 A.2d 885 (Pa. Cmwlth. 1979) An order of the Industrial Board requiring the county to vacate its prison for violations of the Fire and Panic Act was upheld because the county failed to sustain its burden of providing that fire watchers would be adequate substitutes for smoke detection and sprinkler systems in the county prison.

2. Monitoring of compliance

Alabama v. Pugh, 559 F.2d 283 (5th Cir. 1978) *remand* 438 U.S. 781 (1978) The district court was too intrusive in appointing a human rights committee to monitor the state's compliance with a previously imposed decree concerning various changes and conditions in a state penal institution.

Newman v. Alabama, 559 F.2d 283 (5th Cir. 1977) *remand* 438 U.S. 781 (1978) "Prison officials cannot be expected to stay in line with so numerous a committee (39 people), at the same time constantly confronted with the spectre of federal contempt of court. Better approach is to name one monitor for each prison involved, with full authority to observe and to report his observations to the Court, but no authority to intervene in daily prison operations." Monitors may be paid reasonable compensation, to be recovered from the state as a part of the reasonable costs of the litigation.

Miller v. Carson, 563 F.2d 741 (5th Cir. 1977) "The trial court erred in ordering that the ombudsman have permanent office . . . Court ordered permanency is an intrusion into state administration of prisons beyond the necessities of the case."

Ahrens v. Thomas, 434 F. Supp. 873 (8th Cir. 1977) modified 570 F.2d 286 (8th Cir. 1978) The trial court's prescription of specific standards for the future construction and operation of a county jail constituted an unpermissible intrusion into the affairs of state prison administration.

Newman v. State of Alabama, 466 F. Supp. 628 (D.C. Ala. 1979) Where no effort was made to come within compliance of a court order to remedy the Alabama prison conditions, the court appointed the governor as temporary receiver in order that he be duty-bound and authorized to execute the standards set in the court order. The case includes a description of the violations and sets forth the corrections to be made.

Pugh v. Locke, 406 F. Supp. 318 (M.D. Ala. 1976) aff'd 559 F.2d 283 (5th Cir. 1977), cert. den. 98 S.Ct. 3144 (1978) Thrity-nine member Human Rights Committee appointed to monitor implementation of court order, inspect prisons, interview inmates and inspect records, review plans for implementation, engage independent specialists, employ full time staff consultant at same pay as commissioner of corrections and take any action reasonably necessary to accomplish its functions.

Taylor v. Perini, 446 F. Supp. 1184 (N.D. Ohio 1977) The evidence demonstrated that the officials of the Marion Correctional Institution were in full compliance with many portions of a previous court order directing the implementation of changes in the conditions of that facility.

Ahrens v. Thomas, 434 F. Supp. 873 (W.D. Mo. 1977) modified 570 F.2d 286 (8th Cir. 1978) Panel appointed to determine compliance with order.

Palmigiano v. Garrahy, 443 F. Supp. 956 (D. R.I. 1977) Master appointed and given unlimited access to facilities, records, files and personnel.

Blaney v. Commissioner of Correction, 372 N.E.2d 770 (Mass. 1978) A trial court may give explicit directions concerning the continued classification of protective custody inmates and may order the Commissioner of Correction to file quarterly reports stating the progress made towards attaining the proper standard of treatment.

Trigg v. Blanton, No. A-6047 (Davidson County, Tenn., Aug. 1978) A special master is to be named by the court from names submitted by the parties. Funds for him and his staff to be provided by the defendants.

Appendix C

Frequency of distribution of institutional characteristics of the nation's 52 correctional systems

Adult male population

Size	Number	Percentage
Small: less than 1,000	13	25.0%
Medium: 1,000–3,000	14	26.9%
Large: 3,000–10,000	15	28.8%
Extra large: more than 10,000	10	19.2%

Hardware manufacturer

Manufacturer	Number	Percentage
IBM	27	51.9%
Univac	7	13.5%
Burroughs	3	5.8%
Other	5	9.6%
None	10	19.2%

Information System Access

Access	Number	Percentage
In-house	9	17.3%
Shared—no access limitations	17	32.7%
Shared—access limitations	17	32.7%
Manual	9	17.3%

Geographic region

Region	Number	Percentage
Northwest	8	15.4%
North Central	9	17.3%
Northeast*	19	36.5%
Southwest	5	9.6%
South Central	4	7.7%
Southeast	7	13.5%

* The Federal Bureau of Prisons was geographically listed in the northeast due to the location of the Central Office.

Software—SPSS

SPSS	Number	Percentage
Yes	30	57.7%
No	22	42.3%

Obstacles—Personnel

Obstacle	Number	Percentage
None	32	61.5%
Training—management	10	19.2%
Insufficient staff	10	19.2%

Volume of demand information-level of computer technology

Volume-technology	Number	Percentage
High volume-high technology	14	26.9%
High volume-low technology	20	38.5%
Low volume-high technology	12	23.1%
Low volume-low technology	6	11.5%

Software—MARK IV

MARK IV	Number	Percentage
Yes	8	15.4%
No	44	84.6%

Obstacles—technology

Obstacle	Number	Percentage
None	18	34.6%
Data base—system limitation	16	30.8%
Programming limitations	11	21.2%
Computer need recognized	7	13.5%

Hardware size

Size	Number	Percentage
Large systems	33	63.5%
Mini systems	4	7.7%
Combination systems (large and mini)	5	9.6%
Manual systems	10	19.2%

Software—EASYTRIEVE

EASYTRIEVE	Number	Percentage
Yes	8	15.4%
No	44	84.6%

Percentage use of automation

Percentage	Number	Percentage
High: greater than 70%	17	32.7%
Moderate: 30%–70%	12	23.1%
Occasional: less than 30%	9	17.3%
None	14	26.9%

Software—other

Other Software	Number	Percentage
Yes	23	44.2%
No	29	55.8%

Request locations

Specified Location	Number	Percentage
Entry locations—designated	28	53.8%
Entry locations—not designated	24	46.2%

OBSCIS Member

OBSCIS Membership	Number	Percentage
Operational	22	42.3%
Not a Member	18	34.6%
Developing Member	12	23.1%

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